

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3869 of 2021**

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Purnia

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AMARENDRA KUMAR AMAR @ AMLENDRA KUMAR AMAR @
AMLENDRA KUMAR, Son of Satyadeo Biswas Resident of Nataji Chowk,
P.S.- Jogbani, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Ravish- Advocate
Mr. Sanjay Kumar Sharma- Advocate
For the Respondent/s : Ms. Usha Kumari 1-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Kumar Ravish, the learned Advocate for

the appellant and Ms. Usha Kumari-1, the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated
20.07.2021 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, Purnia in connection with SC/ST
Case No.58 of 2018 arising out SC/ST P. S. Case No.27 of
2018, instituted for the offences under Sections 341, 323,
504, 506 of the Indian Penal Code and Section 3(i)(x) of the
Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby their prayer for grant of
anticipatory bail has been rejected.

The case was initiated by way of complaint which



was later converted into F.I.R. under the orders of the Court.

The accusation is against the appellant, who was Officer-in-Charge of the concerned police station at the relevant time. The narration in the complaint/ F.I.R. indicates that the other accused persons had threatened the informant to withdraw the case which was lodged earlier by him against them. In the process, the concerned local police officer namely the appellant has been made accused in this case. After the investigation, the accusation was found to be false and the police did not send up any one of the accused persons for trial. However, differing with the police report, cognizance has been taken.

The learned advocate for the appellant has submitted that assuming every bit of accusation in the F.I.R. to be true, the offence under the SC/ST (P.O.A.) Act cannot at all be said to have been made out as against the appellant.

Regard being had to the aforesaid submissions, the order dated 20.07.2021 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his



furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Purnia in connection with SC/ST P. S. Case No.27 of 2018 converted to SC/ST Case No.58 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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