

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.291 of 2021**

Arising Out of PS. Case No.-191 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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BHULTU SINGH @ GOLU SINGH @ BABAN KUMAR SINGH Son of
Baliram Singh @ Balaram Singh Resident of Village- Hasana, P.S.- Gaighat,
Distt- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ganesh Prasad Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 25-06-2021 Heard Mr. Ganesh Prasad Singh, learned counsel

for the appellant and Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

This appeal is directed against the order dated

16.10.2020 passed by the learned Additional Sessions Judge

-III-cum-Special Judge, SC/ST Act, Muzaffarpur in

Anticipatory Bail Petition No. 2851 of 2020 arising out of in

Gaighat P.S. Case No. 191 of 2020, whereby the prayer

made on behalf of the appellant for grant of anticipatory bail

for the offences under Sections 341, 323, 325, 384, 504,

506/34 of the Indian Penal Code and Section 3(1)(r)(s) of

SC/ST (POA) Act has been rejected.



The accusation against the appellant is of continuously harassing the informant and demeaning him by taking his caste name for the last four months and demanding Rs. One Thousand as protection money.

It has been submitted on behalf of the appellant that the accusation appears to be absurd and motivated. The informant is the next door neighbour of the appellant and always used to throw garbage in the land of the appellant. When this was protested, it was responded with such a retaliatory action of lodging an F.I.R under various section of the IPC and SC/ST (POA) Act. It has further been submitted that the F.I.R. has been lodged after delay of seven days and that the appellant is said to have abused the informant not in a public place but when he was alone with the informant.

Learned counsel for the appellant, therefore, urged that no offence under any one of the provisions of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.

A dispute between the neighbours has



unnecessarily given the colour of a criminal case.

For the reasons afore-stated, the appeal is allowed.

The order dated 16.10.2020 passed by the learned Additional Sessions Judge -III-cum-Special Judge, SC/ST Act, Muzaffarpur is set aside.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge -III-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Gaighat P.S. Case No. 191 of 2020.

(Ashutosh Kumar, J)

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