

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.336 of 2021

Arising Out of PS. Case No.-31 Year-2015 Thana- KHIRI MORE District- Patna

JUMMAN KHAN, Son of Shamsher Khan Resident of Jamharu, P.S.-
Khirimore, Distt- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhauri Kamal Kishore Sahay
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Akhauri Kamal Kishore Sahay,

learned Advocate for the appellant and Ms. Usha Kumar

No. 1, learned Special Public Prosecutor for the State.

The appellant has challenged the order
01.10.2020, passed by the A.DJ. X cum Special Judge,
SC/ST Act, Patna, in connection with ABP No. 5183 of
2020, arising out of Khirimore P. S. Case No. 31 of
2015, whereby the prayer made on behalf of the
appellant for grant of anticipatory bail for the offences
punishable under Sections 147, 148, 149, 323, 448 and
504 of the Indian Penal Code and Section 3(i)(x) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, has been rejected.

The appellant is stated to have assaulted and abused the informant.

The learned counsel for the appellant has submitted that a false case has been instituted against the appellant because of some dispute between the parties.

During the course of investigation, nothing tangible could be collected against the appellants.

The provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 appears to have been added in order to make the case look serious.

For the facts stated in the F.I.R. and the grounds raised in the appeal, the order dated 01.10.2020, passed by the learned A.DJ. X cum Special Judge, SC/ST Act, Patna, is set aside.

The appeal stands allowed.

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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.DJ. X cum Special Judge, SC/ST Act, Patna in connection with Khirimore P. S. Case No. 31 of 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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