

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.879 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- NARHATT District- Nawada

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DEVENDRA KUMAR SINGH Son of Late Matukdhari Singh Resident of
Village- Khanwan, P.S.- Narhat, Distt- Nawada.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Kumar

For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and the State
through virtual mode.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the
appellant in connection with Narhat P.S. Case No. 135 of 2020
registered for the offences under Sections 341, 323, 325, 504/34
of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST
(Prevention of Atrocities) Act.

Allegedly, while the informant was digging hole as per
direction of his employer, all of a sudden, one Devendra Kumar
came and caught collar of the informant and taking his caste
name, assaulted him.



It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. Subsequently, the informant has retracted from his earlier statement made in the FIR. He has filed a petition in the court below wherein he has not supported the allegation made in the FIR. The said petition is Annexure-2 to the present application. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 13-10-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Nawada in Narhat P.S. Case No. 135 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional



District & Sessions Judge-Ist-cum-Special Judge, Nawada in
Narhat P.S. Case No. 135 of 2020.

Once the normalcy is restored, the appellant shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

A.K.V.//-

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