

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.777 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- SC/ST District- Saran

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ASHOK SINGH @ ASHOK KUMAR SINGH Son of Shardhanand Singh
Resident of Mohalla- Indra Nagar, (Daldali Bazar), P.S.- Chapra Town,
District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anup Kumar Pandey, Adv.

For the Respondent/s : Ms. Usha Kumari, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Vinay Kumar Mishra, learned counsel

for the appellant and Ms. Usha Kumari, learned Special P.P.

for the State.

The appellant has challenged the order dated 28.11.2020 passed by the learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 2839 of 2020 arising out of SC/ST(Saran) P.S. Case No. 23 of 2020 whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and under Section 3(1)(r)(s), 3(2) (va) of SC/ST (POA) Act has been rejected.



It is alleged in the First Information Report that while the informant was watering the newly constructed wall of Santosh Gupta, the appellant and others came and assaulted him. When the wife of aforesaid Santosh Gupta arrived, she too was assaulted and was attempted to be disrobed.

Learned counsel for the appellant has submitted that there is a land dispute between Santosh Gupta and Bhupendra Singh. The appellant is on the side of Bhupendra Singh and, therefore, he too has been roped in the present case along with Bhupendra Singh. However, the parties have now decided that they shall not prosecute each other. Learned counsel for the appellant has submitted that Santosh Kumar Gupta has set up the informant to lodge this case against Bhupendra Singh and his associates including the appellant. Thus it has been urged that no offence under SC/ST (POA), Act can at all be said to have been made out. So far as the offences under Indian Penal Code are concerned, they are petty offences.

For the reasons afore-stated, the order dated



28.11.2020 passed by the learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra 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 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with SC/ST(Saran) P.S. Case No. 23 of 2020.

(Ashutosh Kumar, J)

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