

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5596 of 2019**

Arising Out of PS. Case No.-356 Year-2018 Thana- GARKHA District- Saran

RINKU SINGH @ HARI SHANKAR SINGH Son of Late Ram Subhag  
Singh Resident of Village - Mahmedpur, P.S.- Garkha, Distt - Saran at  
Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rabindra Kumar Tiwari  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      15-12-2021      **Re:- I.A. No.1 of 2019**

This interlocutory application has been filed for  
condoning the delay of 163 days in filing of this appeal.

Considering, the grounds taken in the interlocutory  
application, the delay in filing of this appeal is hereby  
condoned.

Accordingly, I.A. No.1/2019 is hereby allowed and  
disposed of.

**Re:- Cr.Appeal (SJ) No.5596 of 2019**

Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

This is an appeal under section 14(A) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act,



2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 28.03.2019, passed by learned Additional District and Sessions Judge-I,-cum- Spl. Judge, SC/ST, Saran at Chapra, in connection with Garkha P.S. Case No.356 of 2018, registered under sections 406, 504, 506 of the IPC and sections 3(I)(r)(s) of the SC and ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is stated that appellant is running a cold storage and the informant stored potato on rent in the said storage, but informant not paid rent to the appellant. Then the appellant pressurised the informant to pay the dues rent, for this the informant lodged this FIR after about six years. It is submitted that no case under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Since, no SC/ST Act is applicable against the appellants



as the occurrence has not taken place in public view, hence, it is not required to issue notice to the informant.

Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I,-cum- Spl. Judge, SC/ST, Saran at Chapra, in connection with Garkha P.S. Case No.356 of 2018, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

pallavi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

