

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1189 of 2020**

Arising Out of PS. Case No.-58 Year-2018 Thana- SC/ST District- East Champaran

HARENDRA KISHORE SINGH @ BABU HARENDRA KISHORE S/o
Late Bindeshwari Singh Resident of Village- Badai Tola, Chhatauni, P.S.-
Chhatauni, Distt- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mrs. Usha Kumari I

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

2 13-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.02.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), East Champaran, Motihari in connection with SC/ST (Motihari) P.S. Case No. 58 of 2018 registered under Sections 341, 323, 354A & 504/34 of the Indian Penal Code and Section 3(1) (d) (g) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the informant along with her husband and Munna Das had gone to her farm, the appellant along with 4-5 persons are said to have come there and abused her by her caste name. They also assaulted her by fist and slap.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute. As a matter of fact, the appellant has purchased a land from one Bibi Marium having absolute title and possession over the said land. While the appellant was constructing boundary wall on the said land, the husband of the informant and her family members came at the land of the appellant and demanded Rs.2.5 lakhs as Rangdari. On denial, they abused and assaulted him. In this regard, the appellant has lodged a case bearing Chhatauni P.S. Case No.42 of 2018 and, in retaliation thereto, the present case has been lodged against the appellant on altogether concocted and false story. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is delay of 15 days in lodging the present F.I.R. without assigning any plausible explanation for the same, which creates serious doubt about the prosecution case. No one has sustained injury in the occurrence. Appellant has no criminal antecedent.



As *prima facie* no case under SC/ST Act is made out against the appellant, hence there is no requirement of issuing notice to the informant.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in connection with SC/ST (Motihari) P.S. Case No.58/2018, 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)

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