

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1890 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- MORKAHI District- Khagaria

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KRISHNANAND SINGH @ KRISHNA NAND SINGH Son of Late Bindeshwari Singh Resident of Village - Bachhauta Ward no.12, P.s.- Morkahi, Distt.- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashank Shekhar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-06-2022 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

The appellant apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code read with Sections 3(i)(g)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that the learned court below has taken cognizance under Sections 341, 323, 379, 506 and 504 of the I.P.C read with Section 3(i)(g)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act based on the charge-sheet submitted by the police after investigation.



Learned counsel for the appellant, at the outset, submits that inadvertently in the cause title, the district has been typed as Begusarai when it ought to have been Khagaria and at paragraph '3' of the anticipatory bail application it is recorded that appellant is a person with clean antecedent when he has antecedent of one case under Section 498A of the I.P.C., learned counsel thus seeks permission to make rectifications in the cause title and at paragraph '3' of the anticipatory bail application.

Permission is accorded.

Learned counsel further submits that the informant alleges that on 29.10.2021 at about 3:00 PM, while he along with his daughter-in-law was inspecting his land for the purposes of getting it bounded, the appellant along with four unknown persons arrived and said that the land does not belong to the informant on which an altercation ensued, it is next alleged that appellant and his associates assaulted the informant and his daughter-in-law and even committed theft of Rs. 16,000/- and snatched gold chain worth Rs. 60,000/-. It is further alleged that on hearing *hulla* passerby gathered and the appellant along with his associates left the place of occurrence while making derogatory caste based remarks.



Learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the occurrence had taken place on account of a land dispute between the parties, it is next submitted that it is alleged that the appellant while leaving the place of occurrence took caste name of the appellant which *prima-facie* does not attract the provisions of the SC/ST Act and as far as allegations of theft and snatching of gold chain are concerned, they are ornamental in nature. Learned counsel further submits that mere taking of cognizance does not not disentitle the appellant from seeking anticipatory bail if in the nature of allegation as alleged in the F.I.R. is not made out under the SC/ST Act. Learned counsel next submits that appellant is an old man of 82 years of age and in the event if he is sent to custody then his entire life gets blotted.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant but very fairly submits that no doubt the appellant is a very senior citizen.

Considering the submissions made by the learned counsel for the appellant, the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with Morkahi
P.S. Case No. 136 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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