

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2213 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Sitamarhi

AVINASH JHA @ AVINASH KUMAR JHA Son of Ramnaresh Jha R/o
village - Purnahiya Ward No.- 1, P.S.- Sahiyara, District - Sitamarhi
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.06.2022 in A.B.P. No. 137 of 2022/82 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 07 of 2022 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

Learned counsel for the appellant submits that appellant has antecedent of two cases and is in the Army and in both the cases appellant came to be implicated at the behest of his cousin on account of land dispute.



The informant alleges that he is an electric mechanic and did the electric work in the house of accused Ram Naresh Jha from 25.02.2022 to 27.02.2022 on contract of Rs.6,500/- and in lieu whereof he received only Rs.1,000/- as an advance money. It is alleged that Ram Naresh Jha was evading to pay the due amount of Rs.5,500/- and on 11.03.2022 when the informant went to the office of Ram Naresh Jha for demanding his wages he was called by him in his office and he became angry and he along with the appellant abused and assaulted the informant by slap, slipper using his caste name.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case at the behest of his cousin on account of land dispute and from perusal of the allegation, it would manifest that the first occurrence took place on 06.03.2022 and the second occurrence took place on 11.03.2022 but still the FIR came to be instituted on 11.04.2022 i.e. allegedly more than one month from the date of occurrence, this amply demonstrates the falsity of the allegation. He further submits that as far as the allegation of abusing the informant by caste name is concerned and even if the same is presumed to be true without admitting then the said occurrence took place within the office premise of Ram Naresh Jha and, thus, was not



in a public view.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Satyavrat Verma, J)

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