

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2368 of 2022**

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

Bhupendra Singh @ Bhupendra Prasad Singh S/o Late Ramdatta Singh R/o
Village- Ramgadha, P.S.- Awatar Nagar, District- Saran at Chhapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv.
	:	Mr. Giridhar Gopal Tiwary, Adv.
For the Respondent/s	:	Mr. Usha Kumari No.1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 23-11-2022 Heard Mr. Baxi S.R.P. Sinha, Sr. Advocate with Mr. Girdhar Gopal Tiwary, learned counsel for the appellant and learned Special Public Prosecutor for the State.

From the record, it transpires that notice has already been issued in this case on 22.09.2022 under both process, even after lapse of 30 days notice was not received as per record. As per the General Clauses Act, the time period for receiving the notice is 30 days, as such the notice is treated to be validly served.

The appellant has preferred this appeal against the order dated 20.06.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge, Schedule Caste and Schedule Tribe (POA), Act Saran at Chhapra whereby the prayer for bail of the

appellant in connection with Awatar P.S. Case No. 206 of 2020, lodged under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 120B, 504 and 506 of the Indian Penal Code read with Section 3(1)(S)(R), 3(2)(Va) of Schedule Caste and Schedule Tribe Act (Prevention of Atrocities) Act, was rejected.

As per prosecution case, the informant has alleged that in the morning at about 8 a.m. of 22.08.2022 the ward member Santosh Singh was collecting applications where he alongwith his mother, father and people of dalit basti went to deposit their applications, allegation against the petitioner is that he started abusing them by taking name of their caste and refused to accept the application. The specific allegation has been made against the present appellant that he started making multiple blow by *farsa*, as a result of which, the informant Rohit Kumar got injury on his head. In addition to that there are serious allegations made against different persons named in the F.I.R.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. He further submits that the antecedent of appellant is clean and he is in custody since 24.05.2022. Learned counsel for the appellant also submits that for the same date and place of occurrence, two

F.I.Rs. have been lodged, one F.I.R. has been lodged by the present informant and another F.I.R. has been lodged by Santosh Kumar Singh against the informant and others. Learned counsel for the appellant further submits that there are fight from both the sides and parties of both the sides were injured. At page no.28 of the appeal the injury of the Rohit Kumar was annexed, from the said report, it transpires that there was no injury from sharp weapon against the Rohit Kumar rather the cause of injury is by hard and blunt object which itself falsify the allegation against present appellant.

Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saran at Chhapra in connection with Awatar P.S. Case No. 206 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The order dated 20.06.2022 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saran

at Chhapra arising out of Awatar Nagar P.S. Case No. 206 of 2020 is hereby set-aside.

With this observation, the criminal appeal stands allowed.

(Dr. Anshuman, J.)

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