

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2770 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SC/ST District- Aurangabad

BIKESH KUMAR SINGH Son of Satendra Singh Residetn of Village -
Chainpur, P.S. Mali, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Kumar Gautam Son of Brihaspati Ram Resident of Village - Pathra,
P.S. NTPC Khaira, District - Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2022 Heard learned counsel for the appellant and learned
Spl.P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 18.07.2022 in ABP No. 1177 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 08 of 2022 registered under Sections 341, 323, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Schedule Caste and



Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that his wife is Mukhiya and whenever appellant meets her, he acts in an indecent manner and threatens to disrupt the functioning of the Panchayat, further demands commission for committing the work, further on 28.06.2022, appellant made the informant and demanded commission and further abused him by his caste name and on protest he was assaulted by appellant.

Learned counsel for the appellant submits that appellant has been falsely falsely implicated in the present case, it is next submitted that from tenor of the allegation as alleged it appears that wife of the informant is Mukhiya, but the overall work of the Panchayat is being looked after by the informant, it is also submitted that if what has been alleged is true then nothing prevented his wife from instituting an FIR, it is also submitted that allegations are vague, general and omnibus in nature, as it does not disclose that as to what commission was being demanded by the appellant, it is also submitted that the appellant prior to the institution of the present FIR have complained against the informant and his wife for misappropriation of money of Pradhan Mantri Awas Yojana and



thus being aggrieved by the said fact the present false FIR came to be instituted, it is also submitted that from perusal of the FIR, it also manifest that no one has seen the occurrence thus the occurrence was not in public view of abuse and assault.

Considering the submissions made by the learned counsel for the appellant, the order dated 18.07.2022 in ABP No. 1177 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 08 of 2022, is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Aurangabad SC/ST P.S. Case No. 08 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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