

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3900 of 2021**

Arising Out of PS. Case No.-113 Year-2019 Thana- JANKINAGAR District- Purnia

RAKESH SINGH @ RAKESH KUMAR SINGH @ BULLU SINGH Son
of Harendra Singh Resident of Village Gangapur, P.S. Janki Nagar, Distt. -
Purnea, Pin Code -854102.

... .. Appellant/s

Versus

The State of Bihar and another.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suresh Pd Singh No.1

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 18-07-2022 The learned counsel for the appellant is directed to
remove all the defects pointed out by the office within one
month.

Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 03.07.2021 passed by the learned Special
Judge (SC/ST Act)-cum-Additional Sessions Judge-I, Purnea in
A.B.P. No. 54/2021, arising out of Janki Nagar P.S. Case No.113
of 2019 registered for offence punishable under sections 341,
323, 379, 504, 506/34 of the Indian Penal Code and sections 3



(i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, tractor of the informant was intercepted in Mud and he asked the appellant for help, but the appellant assaulted him and snatched Rs.3,000/- from his pocket.

The learned counsel for the appellant has submitted that the provisions of SC/ST Act are not attracted in this case, as there is no allegation in the FIR of inflicting any remarks by uttering caste name. The real fact is that even after taking Rs.3,000/-, the informant was not ploughing the land of one Ruben Yadav and when the appellant asked the informant to plough the field, he implicated him in the false case.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the order dated 03.07.2021 passed by the learned Special Judge (SC/ST Act)-cum-Additional Sessions Judge-I, Purnea in A.B.P. No.54/2021, arising out of Janki Nagar P.S. Case No. 113 of 2019 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act)-cum-Additional Sessions Judge-I, Purnea in connection with Janki Nagar P.S. Case No.113 of 2019.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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