

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3908 of 2021**

Arising Out of PS. Case No.-121 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AMARJEET RAY Son of Ram Prit Ray, R/V- Korwadha Laguniya, P.S.-
Samastipur (Muffasil), District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Binod Kumar @ Binod Kumar Mahto Son of Late Parmeshwar Mahto R/V-
Chakhaidar, P.S.- Tajpur, District - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 13-09-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the appellant as well as
the learned Additional 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 06.08.2021 passed by the learned
Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA),
Samastipur in connection with Complaint Case No. 121 of
2017, T.R. No. 1083 of 2019, registered for offence punishable



under sections 147 and 323 of the Indian Penal Code and 3(1), (s), (r) (w) of the SC/ST (POA), Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the appellant and other accused persons assaulted the informant and his wife. They also outraged her modesty and snatched Rs. 91,000/- and also abused the informant and his wife by calling their caste name.

The learned counsel for the appellant has submitted that the appellant is innocent and he is a person of clean antecedent. The reason behind his false implication is that the complainant is doing the work of private bank collection and advance business loan to the villagers. The complainant defalcated the amount deposited by the appellant and when he demanded his money, he has been arrayed in this false and frivolous case.

The learned Special Public Prosecutor has submitted that the cognizance has been taken in this case, as such, the anticipatory bail petition is not maintainable.

Considering the fact that cognizance has been taken, the appellant is directed to surrender before the court below and make a prayer for regular bail. The learned court below shall dispose of his regular bail petition on the same day without



being prejudiced by this order.

With these observations, this criminal appeal is disposed of.

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

(Nawneet Kumar Pandey, J)

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