

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3937 of 2021**

Arising Out of PS. Case No.-202 Year-2021 Thana- RIVILGANJ District- Saran

MITHLESH SINGH @ MITHLESHAR SINGH @ MITHLESH KUMAR
SINGH S/o LATE MUKHDEV SINGH R/o VILLAGE-METHWALIYA, P.S-
REVILGANJ DISTRICT-SARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Krishna Kumar Ram son of Late Ram Prasad Ram Resident of Methwaliya,
P.S.- Rivilganj, District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Senior Advocate Mrs. Priyanka Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 24-03-2022 Heard Mr. Yogesh Chandra Verma, learned senior counsel
for the appellant assisted by Mrs. Priyanka Singh, learned
Advocate and Mr. Binay Krishna, learned Spl.P.P. for the State.

Vide order dated 18.01.2022, notice was directed to be
issued upon the respondent no.2 and as per office notes dated
11.03.2022, though notice has been validly served but nobody
has entered appearance on behalf of the respondent no.2.

This is an appeal under section 14A (2) of the Schedule
Caste and Schedule Tribe (Prevention of Atrocities) Amendment
Act, 2015 against the refusal of prayer for bail vide order dated
17.09.2021, passed by learned 1st Additional Sessions Judge-
-cum- Special Judge, SC/ST (POA) Act, Saran at Chapra, in



connection with Revilganj P.S. Case No.202 of 2021, registered under sections 341, 323, 504, 324/34 of the IPC and sections 3(1) (r) (s)/ 3 (2) (va) of the SC/ST (POA) Act.

The prosecution case in brief is that while the informant was going to his new house, the appellant and one Bimlesh Singh surrounded him and told him to not construct the new house as it was their land and thereafter, they started hurling abuses with caste name. The appellant is said to have given knife blow on the neck of the informant.

It is submitted by learned senior counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to the admitted land dispute. A Title Suit No.410 of 2021 is going on between the parties. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The injuries, as opined by the Doctor is simple in nature. There is an inordinate delay of three days in lodging the F.I.R. and no plausible explanation has been given for such delay, which creates doubt about the prosecution case. The appellant has four criminal antecedents



and has been languishing in custody since 10.08.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, considering the custody of the appellant and nature of allegation, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge- -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Revilganj P.S. Case No.202 of 2021 with the following conditions:-

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his



bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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