

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4054 of 2021**

Arising Out of PS. Case No.-266 Year-2019 Thana- ALOULI District- Khagaria

NAND KISHOR SINGH Son of Late Jagdeo Singh Resident of Village -
Morkahi (Icharua), P.S.- Alauli, District - Khagaria (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishweshwar Ram, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

4 18-01-2022 Heard counsel for the appellant and learned Spl.P.P. for
the State through virtual mode.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects
within stipulated period, office will place the matter before the
Bench.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 10.08.2021 passed by
learned Additional Sessions Judge-1st cum-Special Judge,
SC/ST Act, Khagaria, in connection with Alauli P.S. Case
No.266 of 2019, registered under sections 341, 323, 504,



506/34 of the IPC and sections 3(i)(r) of the SC/ST Act.

The allegation against the appellant is that he along with one co-accused has abused the informant, who used to sell vegetables and slapped him. It is alleged that they took Rs.500/- and 20 kg vegetable from the informant.

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case due to village rivalry. There is no specific allegation levelled against the appellant of abusing the informant rather the specific allegation of abusing the informant is attributed against the co-accused Rambilash Singh. Hence, no case under the SC/ST Act is made out against the appellant. The injuries have been found to be simple in nature. The appellant has been languishing in custody since 28.08.2020 and has two criminal antecedents, as also mentioned in para-3 of the memo of appeal.

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

In the facts and circumstances of the case, 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 Additional Sessions Judge-1st cum-Special Judge, SC/ST Act, Khagaria, in connection with Alauli P.S. Case No.266 of 2019.

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

(Anjani Kumar Sharan, J)

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