

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4377 of 2021

Arising Out of PS. Case No.-196 Year-2021 Thana- BIKRAM District- Patna

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AMRESH KUMAR Son of Late Ram Narayan Singh Resident of Village -
Gorakhari, P.S. - Bikram, District - Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Pathak
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-01-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

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

Learned Special P.P. for the State submitted that in
compliance of the order dated 06.01.2022, the informant was
communicated through the Superintendent of Police concerned
to appear before this Court, but, in spite of valid
communication, there is no representation on behalf of the
informant.



This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 05.10.2021 passed by learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Patna in connection with Special Case No.266 of 2021, arising out of Bikram P.S. Case No.196 of 2021 registered under Sections 341, 323, 504, 506 & 353 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The accusation against the petitioner is that he in association of other persons are said to have obstructed in discharging the official duty of the informant and also slated him in his caste name.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case showing law and order duty on altogether on false and concocted story. There is no independent witness of the mob of thousand persons as they assembled before nomination near Bikram B.D.O. Office. The allegation levelled against the appellant is not specific rather



general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 17.09.2021.

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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Patna in connection with Special Case No.266 of 2021, arising out of Bikram P.S. Case No.196 of 2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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