

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4420 of 2021**

Arising Out of PS. Case No.-175 Year-2021 Thana- CHAUTHAM District- Khagaria

MUNMUN KUMAR @ ABHAY KUMAR S/o Late Ramkaran Singh
Resident of Village- Lalpur, P.S.- Chauthan, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Binod Kumar, Advocate Mr. Kumar Rajdeep, Adv
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 28-09-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 01.10.2021 in Spl. A.B.A. (SC/ST) No. 46 of 2021 passed by the learned Additional Sessions Judge 1st, SC/ST (POA) Act, Khagaria in connection with Chautham P.S. Case No. 175 of 2021 registered under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code and Section 3(1)(r),(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).



Learned counsel for the appellant submits that the appellant has antecedent of one case which was filed by Jago Devi wife of Kapil Dev Paswan mother of the present informant, it is next submitted that the informant alleges that on 13.08.2021 while he was going to Panchayat Sarkar Bhawan with his wife on motorcycle to attend the meeting of ward members and when he reached near Chautham Chimney Bhatha, where accused persons, including the appellant, were waiting from before to commit the occurrence, it is next alleged that the appellant took key of the motorcycle and the accused persons abused him by calling his caste name, thereafter the appellant assaulted the informant by an iron rod causing injury near the left eye and when his wife raised alarm and passersby came, the accused persons fled away and also took away his motorcycle and Rs. 9,000/- along with a mobile phone.

Learned senior counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then occurrence was not witnessed by any witnesses or public as the FIR does not disclose that anyone had witnessed the occurrence when the occurrence was committed, it is also submitted that



land dispute is going on between the parties and the appellant has filed Title Suit No. 45 of 2017 against the father and uncle of the informant, which is pending in the Court of learned Special Judge-I, Khagaria, thereafter appellant also filed a Complaint Case No. 125C of 2016 against the informant and his family members, apart from these proceedings, a proceeding under Section 107 and 144 had also been drawn between the parties, the learned counsel for the appellant submits that it is on account of the dispute as aforesaid that the present false case came to be instituted, it is also submitted that the time of occurrence is 11:00 AM and the doctor examined the informant at 11:02 AM i.e., within two minutes of the occurrence that in itself shows that the injury report has been manipulated or no occurrence, in the manner alleged, had taken place.

Learned Spl.P.P. for the State oppose the prayer for anticipatory bail of the appellant.

Considering the submissions made by the learned counsel for the appellant, the order dated 01.10.2021 in Spl. A.B.A. (SC/ST) No. 46 of 2021 passed by the learned Additional Sessions Judge 1st, SC/ST (POA) Act, Khagaria in connection with Chautham P.S. Case No. 175 of 2021 is hereby set aside and the appellant above-named, in the event of his



arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chautham P.S. Case No. 175 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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