

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5465 of 2019

Arising Out of PS. Case No.-251 Year-2017 Thana- CHAPRA TOWN District- Saran

Piyush Kumar, Son of Gopal Prasad, Resident of Mohalla Daldali Bazar, P.S. Chapra Town, District Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Munna Manjhi, S/o Late Dukhit Manjhi, Resident of Mohalla Daliawan Sadha, Dhala Sulabh Sauchayala, P.S. Chapra Town, District Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nawal Kishore Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-01-2022 Heard learned counsel for the appellant and learned Special P.P. for the State through virtual court proceedings.

By order dated 13.12.2021, notice had been issued to respondent no.2. The office points out that the notice has validly been served upon respondent no.2, but nobody appears on behalf of respondent no.2.

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 of anticipatory bail vide order dated 19.11.2019, passed by learned Ist Additional Sessions Judge, Saran at Chapra in connection with Chapra Town P.S. Case



No.251 of 2017, registered under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code and 3(R)(S) of the SC/ST Act.

The appellant and other accused persons are said to have abused the informant by naming his caste and assaulted him by means of different weapons.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the informant had also filed a complaint case before the learned court below and the said complaint case has already been dismissed on 13.07.2017. The present case has also been filed by the informant against the appellant. The occurrence took place on 25.05.2017, but the FIR was lodged on 17.06.2017 after delay of 22 days without any explanation. It is submitted that the appellant is a deed writer and there is land dispute between the parties.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant and submitted that the appellant is also involved in the occurrence.

Taking into consideration the fact that there is delay in lodging the FIR without any explanation, let appellant, above named, in the event of his arrest or surrender before the learned



court below within a period of six weeks from today, be enlarged 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 learned Additional District and Sessions Judge Ist-cum-Special Judge, Excise, Saran at Chapra in connection with Chapra Town P.S. Case No.251 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Anjani Kumar Sharan, J.)

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