

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2680 of 2023**

Arising Out of PS. Case No.-95 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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SHAKTI SINGH @ MONU SINGH son of Balwant Singh Village- Bochaha
PS- Mohiuddin Nagar Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Chamru Paswan son of Late Daulat Paswan Village- Bochaha (Bangla Par)
Ward no-6, Ps- Mohiuddin Nagar Dist- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the appellant and

learned Special P.P. for the State along with learned counsel for

the informant.

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 for anticipatory bail vide
order dated 26.05.2023 in A.B.P. No. 1386 of 2023 passed by
the learned Special Judge S.C./S.T. (POA) Act, Samastipur in
connection with Mohiuddin Nagar P.S. Case No. 95 of 2023
registered for the offences punishable under Sections 341, 323,
324, 427, 354, 504 and 506 of the Indian Penal Code as well as



Sections 3(i)(r), 3(i)(s) and 3(2)(v)(a) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant has antecedent of one case.

4. The informant alleges that on 26.03.2023 at around 03:30 PM, he had gone to the house of Manish Kumar Singh who is his employee, it is next alleged that the appellant came at the house of Manish with an iron rod and hammer in his hand and started abusing the informant and asked about Manish on which the informant replied that Manish is not in the house, thereafter, the appellant asked the informant to leave the place or else he would be killed and started damaging the pillar of the house of Manish with an iron rod and hammer and when the informant objected, he assaulted him, on raising alarm, the family members of the informant came and saved him and he was taken to Primary Health Centre.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that even presuming what has been alleged in the FIR is true without admitting, then the occurrence is not said to have taken place in public view, as the FIR does not even remotely suggest that who witnessed the occurrence, though, the informant alleges that family members came, but then the



name of the family member is not disclosed in the FIR. It is also submitted that from the tenor of the allegation, it would appear that the appellant had come looking for Manish.

6. Learned Spl. P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the appellant, but are not in a position to rebut the submissions of the learned counsel for the appellant that the occurrence did not take place in public view and the FIR does not disclose the name of the persons who came to save the informant.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 26.05.2023 in A.B.P. No. 1386 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur **in connection with Mohiuddin Nagar P.S. Case No. 95 of 2023 is hereby set aside** and the 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 released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mohiuddin Nagar P.S. Case No. 95 of 2023 subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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