

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2981 of 2022**

Arising Out of PS. Case No.-44 Year-2020 Thana- SC/ST District- Araria

SHIV SHANKAR KUMAR ROY @ SHIV SHANKAR ROY Son of Raman
Roy Resident of village - Bhojpur, P.S.- Tarabari, District - ARaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Fuleshwar Sada Son of Late Yugeshwar Sada Resident of village -
Bhawanipur, P.S. Bardaha, P.O.- Bardaha, District - Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

6 24-06-2023 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 10.11.2022 in A.B.P. No. 1622 of 2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria P.S. Case No. 44 of 2020 registered for the offences punishable under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(2)(va) of the SC/ST Act.



Learned counsel for the appellant submits that in compliance of the order dated 30.11.2022, notices were sent through the concerned S.P. for serving on the informant. It is next submitted that the notices have been served. The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that the appellant had assaulted his wife on account of dispute relating to land of the informant with Ashok Mandal, it is next submitted that when the statement of the wife of the informant was recorded, she stated that she was assaulted but then she did not take the name of this appellant. It is thus submitted that a false case came to be instituted that perhaps explains the reason why informant despite valid service of the notice chooses not to appear.

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

In view of the submissions made by the learned counsel for the appellant, the order dated 10.11.2022 in A.B.P. No. 1622 of 2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria P.S. Case No. 44 of 2020 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 Araria P.S. Case No. 44 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

GauravSinha/-

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