

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.921 of 2021**

Arising Out of PS. Case No.-193 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

KRISHNA KUMAR SINGH @ KRISHNA SINGH Son of Baban Singh
Resident of Village- Pakari, P.O.- Kalyanpur, P.S.- Bihiya, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Avinash Kumar Chendeshwar Ram Rural home Assistant, Block- Shahpur,
resident of village- Maulabagh, P.S.- Nawada Ara, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Maya Shankar Mishra, Advocate
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 26-07-2023 1. Heard learned counsel for the appellants, the State
and respondent no.2.

2. The present appeal is directed against the order dated 09.10.2020, passed in a case registered for the offence punishable under Sections 341, 323, 504, 379, 34 of the Indian Penal Code read with Sections 3 (i) (r) (s)/ 3(2) (va) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

3. On the alleged date and time of occurrence appellants along with the other co-accused persons stopped the informant and demanded his money back, on which the



informant stated that he has already returned the whole money due to this appellant abused the informant by caste name and on point of pistol he took away his motor-cycle and also snatched Rs, 10,000/- from his possession.

4. It is submitted that appellants had given Rs. 3,00,000/- for purchasing the land of informant bearing Khesara No. 97 measuring 7 dhur 8 dhruki in Ara Two for which an agreement was made by the informant on 10.01.2017 but the informant refused to sell the land and also refused to return the money and to save skin from this he has lodged this false and concocted case against the appellant. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Rest of the allegation is ornamental and superaddition. Appellant claims clean antecedent.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 09.10.2020 is set aside.

7. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight



weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Addtional Judge, SC/ST Act, Bhojpur, Arrah I connection with udwantnagar (Gajarajganj) P.S Case No. 193 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Kaushik/-

U		T	
---	--	---	--

