

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4477 of 2021

Arising Out of PS. Case No.-240 Year-2021 Thana- HILSA District- Nalanda

=====

Ramashish Singh @ Ramashish Yadav @ Mukhiya Jee S/o Late Ramdas Singh Resident of Kaudiya Bigha, (Kaushik Nagar), P.S. Hilsa, District Nalanda.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Reena Devi Wife of Sant Kumar Resident of village-Patel Nagar,Hilsa,P.S-Hilsa,District-Nalanda.

... .. Respondent/s

=====

Appearance :

For the Appellant	:	Mr. Bhola Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For Res. No.2	:	Mr. Shyamal Prakash, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 18-01-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor 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 of anticipatory bail vide order dated 14.09.2021, passed by learned Additional Sessions Judge-Ist, Nalanda at Bihar Sharif in connection with Hilsa P.S. Case No.240 of 2021, registered under Sections 341, 323, 504, 427, 354(A)/34 of the Indian Penal Code and Sections 3(i)(g)(h) of the SC/ST Act.

Learned counsel for the appellant submits that the



appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the husband of the informant and other persons have encroached the public land situated in Thana No.176, Mauza- Mai, Plot No.2144 and 2145 and constructed several houses. So, the appellant made complaint against the informant before the Public Complain Redressal Officer, Hilsa, Nalanda. Thereafter the instant case has been filed by the informant against the appellant. It is submitted that the occurrence took place on 10.05.2021, but the FIR was lodged on 15.05.2021 after delay of five days without giving explanation.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellant and submitted that the appellant has abused the informant by naming her caste.

Taking into consideration the facts aforesaid, 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 released 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 Special Judge, SC/ST, Nalanda at Biharsharif in connection with Hilsa P.S. Case No.240 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

S.KUMAR/-

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

