

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4580 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- SINDHIYA District- Samastipur

PRASHANT GIRI @ PRASHANT KUMAR GIRI Son of Bihari Giri R/o vill
- Singhiya, P.S. - Singhiya, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Babloo Paswan Son of Late Gopi Paswan R/o vill and Post - Pona, P.S. - Singhiya, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-02-2024

1. Heard learned counsel for the parties.

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 02.08.2023 in A.B.P. No. 2374 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Singhiya P.S. Case No. 42 of 2023 registered under Sections 341, 323, 354, 504, 506, 379, 427 and 34 of the Indian Penal Code as well as Sections 3(i)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant has been falsely implicated in the present case. It is



further submitted that the informant alleges that he has a Dhaba where the appellant used to come and have his food as such an amount of Rs. 2,000/- became due and when the informant requested the appellant to clear the dues it is alleged that he was assaulted.

4. Learned counsel for the appellant submits that the appellant also has a Dhaba in front of the Dhaba of the informant and the informant's side was the aggressor and they had assaulted the appellant and his side causing injury for which Singhiya P.S. Case No. 44 of 2023 was instituted by the father of the appellant. Learned counsel further submits that in the nature of allegation as alleged in the FIR prima facie no offence under the SC/ST Act is made out. It is next submitted that even presuming what has been alleged is true without admitting then from perusal of the FIR, it does not manifest that the occurrence was witnessed by any independent witnesses and as far as the allegation of assault is concerned the same is ornamental as the appellant and the opposite party no. 2 were having dispute relating to Dhaba.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail and submits that if what has been submitted by the learned counsel for the appellant is true in that



event the police would investigate the case and submit final form on which learned counsel for the appellant submits that once the case is instituted under the SC/ST Act the police also investigates mechanically.

6. Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. However, it is made clear that in the event if the charge sheet is submitted in the case after investigation, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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