

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.640 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Hari Om Singh S/o - Rama Shankar Singh Resident of Village - Basatpur,
Babu Tola, P.S. - Motihari (M), Dist. - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 21-12-2017 Heard the learned counsels for the appellant, the
informant and the Spl. PP.

The appellant has challenged the order dated
26.07.2016 passed by the learned Additional Sessions Judge-1st,
Motihari in connection with Motihari Muffasil P.S. Case No. 106
of 2016 instituted for the offences under Sections 147, 148, 149,
341, 342, 323, 324, 325, 307, 447 and 504 of the Indian Penal
Code and under Sections 3(1)(x) of the S.C./S.T. Act whereby the
prayer for being released on anticipatory bail has been rejected.

It has been alleged in the FIR by one Mukesh Paswan
that he and his father were assaulted by Anil, Chotan and Bhim
Singh etc. Because of the assault perpetrated upon the father of the
informant viz. Khajana Paswan, he died. Mukesh, the informant



has also sustained many injuries on his person.

It has been submitted on behalf of the appellant that neither has he been named in the FIR nor any suspicion has been raised against him. His name transpired only during the course of investigation of this case. From the perusal of the impugned order, it appears that the court below has noted down that the name of the appellant was taken during the supervision of the case. Nonetheless, the court has not discussed as to in what context and with what allegation, his name was taken during the supervision of this case. It has further been submitted on behalf of the appellant that he is not directly related to the named accused persons though he hails from the same village.

Considering the aforesaid facts that nothing has been alleged against the appellant in the FIR and even during the investigation of the case, there is no specific material which would justify the application of the provisions of the SC/ST Act as against the appellant, this Court is inclined to set aside the order refusing to grant of anticipatory bail to the appellant.

The order dated 26.07.2016 is set aside.

The appellant above named, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be



released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 106 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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