

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3144 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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1. Sushil Kumar Singh @ Sushil Singh, S/o Ramadhar Singh, Resident of Village- Tona, P.S.- Mali, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 30-11-2017

Heard the learned counsels for the appellant and the

Spl. P.P.

The appellant has challenged the order dated 23.09.2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Kutumba P.S. Case No. 103/2017 instituted for the offences under Sections 147, 149, 342, 323, 337, 307, 332, 353, 224 and 506 of the Indian Penal Code read with Sections 3(i)(r), 3(i)(s) and 3(2)(r) of the SC/ST (Prevention of Atrocities) Act, 2016, whereby the prayer for his being released on bail, in anticipation of his arrest, has been rejected.

The police party had gone to arrest one accused Ranjeet Yadav in connection with Kutumba P.S. Case No.



51/2017. While the aforesaid Ranjeet Yadav was arrested, one Dulari Devi who was present at the place where the arrest was effected, shouted for help. It is alleged that thereafter some of the persons of the village came and tried to set free aforesaid Ranjeet Yadav. At that stage, the appellant and others are alleged to have come and abused the informant and others and are also alleged to have kept some of the constables in confinement for sometime.

Learned counsel for the appellant has submitted that an absolutely false and concocted case has been lodged. In fact, no allegation with respect to SC/ST Act has been alleged against the appellant. An effort was also made by the villagers to set free one of the accused of another case who had been arrested in the village.

Learned counsel for the appellant has drawn the attention of this Court to the order dated 13.11.2017 passed in Cr. Appeal No. 3170/2017, whereby another co-accused Ajay Pathak @ Ajay Kumar Pathak, having similar allegation, has been granted the privilege of anticipatory bail.

Considering the nature of accusation and keeping in mind the parity of allegation against the accused person who has been granted bail, this Court deems it appropriate to set aside the order dated 23.09.2017.

The appellant is directed to be released on bail, 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, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1-cum-Spl. Judge, Aurangabad in connection with Kutumba P.S. Case No. 103/2017.

(Ashutosh Kumar, J.)

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