

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1200 of 2017

Arising Out of PS.Case No. -106 Year- 2014 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Rakatu Singh Son of Motilal Singh resident of Village : Charpurwa, P.S.:
 Sanjahuli, District : Rohtas.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikram Deo Singh

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the order dated 28.02.2017 passed by the learned A.D.J., 1st, Rohtas at Sasaram in Nasriganj (Rajpur) P.S. Case No.106/14 registered for the offences punishable under Sections 341, 323, 354(B), 379, 504, 506, 147, 148, 149 of the I.P.C. & 3(i) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby and whereunder the prayer for bail on behalf of the petitioner has been rejected.

Allegation against the appellant and other co-accused persons is that on 18.7.2014 at 6 P.M. six accused persons came to the informant, abusing and calling his caste name and asked his goat at Rs.1200/- while the informant demanded



Rs.3000/- for the same upon which they caught him and pointed pistol, in the meantime, his wife came to rescue him then they torn her blouse and assaulted her and they took away Rs.20,000/- in the midst thereof the villagers came upon seeing them the accused persons fled away.

It has been submitted on behalf of the appellant that there is general and omnibus allegation and nothing has been attributed against the appellant, due to sale and purchase of goat the occurrence took place and now he is in custody for more than 5 ½ months.

Heard learned Special P.P. also.

Having heard both sides and in view of the fact, as stated above, that there is general and omnibus allegation against the appellant and he is in custody since 22.11.2016. in view of the same, let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/-with two sureties of the like amount each to the satisfaction of the A.C.J.M., Bikramganj at Rohtas, in Nasriganj (Rajpur) P.S. Case No.106/14, subject to the conditions that:

- (i) The bailors of the appellant should be his close relatives having sufficient immovable properties within the jurisdiction of the concerned court.



- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is allowed. The impugned order dated 28.02.2017 passed by the learned Additional Sessions Judge-1st, Rohtas at Sasaram, in Nasriganj P.S. Case No.106/17 is set aside..

(Vinod Kumar Sinha, J)

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