

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1091 of 2018

Arising Out of PS. Case No.-645 Year-2017 Thana- MOTIHARI
MUFASIL District- East Champaran

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1. Shyam Sundar Singh, Son of Nathuni Singh,
2. Jitendra Singh, Son of Nathuni Singh, Both Resident
of Village Loksa, P.S.- Motihari Muffasil, District- East
Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakil Ahmad Khan

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 07-09-2018 This matter was adjourned on the last occasion

for the non-availability of the Special Public Prosecutor.

Today also, nobody appears on behalf of the Special

Public Prosecutor.

The appellants have challenged the order dated

12.02.2018 passed by the learned 1st Additional

Sessions Judge-cum-Special Judge, SC/ST Act, East

Champaran at Motihari in A.B.P. No. 242 of 2018



whereby the prayer made on behalf of the appellants for being released on anticipatory bail has been rejected.

The subject F.I.R was registered under various Sections of the Indian Penal Code and Sections 2(1)(a) (r)(s) of the SC & ST (Prevention of Atrocities) Act against the appellants and others.

The informant of this case is the A.S.I. of the concerned Police Station. He has alleged that on 28.11.2017, while he went to the village Loksa to enquire about a theft in the house of one Vijay Singh, the appellants and about twenty others, variously armed with lethal weapons came and prevented him from discharging his official duties. An attempt was also made to snatch the rifle of the informant. The further allegation in the F.I.R, attracting the provisions of the SC & ST Act, is that some of the accused persons abused the informant by taking his caste name.

The learned counsel for the appellants has submitted that there is a general and omnibus allegation



against all the accused persons and nothing specific has been alleged against the appellants. It has only been alleged that while the informant was being obstructed from carrying out his official duties, two amongst the accused persons viz. Shyam Sundar Singh and Jitendra Singh, who are appellants in the present case, called him by his caste name. The learned counsel for the appellants has therefore submitted that even if this allegation is accepted to be true, from the narration made in the F.I.R, the intention of the appellants for humiliating the informant does not get reflected.

Considering the omnibus and general nature of allegation against the appellants and also taking into account the fact that appeal of the other accused persons have been allowed, the order dated 12.02.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in A.B.P. No. 242 of 2018 is set aside.

The appellants, above named are directed to be



released on bail in the event of their surrendering before the learned Court below within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, SC/ST, East Champaran at Motihari in connection with Motihari (Muffasil) P.S. Case No. 645 of 2017.

The appeal is allowed accordingly .

(Ashutosh Kumar, J)

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