

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1181 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -SC/ST District- SASARAM (ROHTAS)

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Saroj Kumar Singh @ Saroj Singh, son of Late Srinath Singh, Resident of
Village- Bahuara, Police Station- Suryapura, District- Rohtas at Sasaram.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Advocate.

For the Respondent/s : Smt. Usha Kumari No-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 22-05-2018

Heard learned counsel for the Appellant and learned

Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 07.03.2018 passed by the learned **Additional Sessions Judge-1st, Rohtas at Sasaram**, in connection with **S.C./S.T. Dihri P.S. Case No.03 of 2018** instituted for the offence under Sections 341, 384, 504, 506 of the Indian Penal Code, Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the Appellant has been rejected.

It has been submitted that Appellant is elected member of Ward No. 8 of Khaira Bhudhar under Bikramganj Block and earlier he has filed an application before the Office of



the Public Grievance Cell, Bikramganj on 18.07.2017 against the informant of committing black-marketing of food grains. The informant is a P.D.S Dealer. The Sub-Divisional Officer, Bikramganj vide Memo No.266/AA dated 17.08.2017 has directed the Informant to file show cause as to why the P.D.S. license of the informant should not be cancelled. It has further been submitted that as a counter blast to the aforesaid complaint filed by the Appellant, the Informant has filed the instant case on 02.01.2018 levelling false allegation against the Appellant that he made demand of *Rangdari* of Rs.10,000/- and also abused the informant by taking his caste name. It has further been submitted that there is delay of two days in lodging the First Information Report as the occurrence is said to have taken place on 31.12.2017 and the First Information Report has been lodged on 02.01.2018.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order dated 07.03.2018 passed by the learned **Additional Sessions Judge-1st, Rohtas at Sasaram** in connection with **S.C./S.T. Dihri P.S. Case No.03 of 2018** is hereby set aside.

Let the Appellant above named in the event of surrender/arrest within six weeks from today, in connection with **S.C./S.T. Dihri P.S. Case No.03 of 2018**, he shall be released on



anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge-1st, Rohtas at Sasaram**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) Appellant shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

(Sanjay Priya, J)

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