

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.628 of 2019**

Arising Out of PS. Case No.-447 Year-2017 Thana- NATHNAGAR District- Bhagalpur

PRABHASH SINGH Son of Jawahar Singh Resident of Mohalla -
Nasrathkhani PS - Lalmatia , District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL JUDGMENT**

Date : 20-05-2019

Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 21.12.2018 passed by learned 3rd Addl. Sessions Judge-cum-Spl. Judge, SC/ST (Prevention of Atrocities) Act, Bhagalpur in Nathnagar P.S. Case No. 447 of 2017 corresponding to G.R. No. 4172 of 2017 registered under Sections 341, 323, 307/34 of the Indian Penal Code but later on Section 302 I.P.C. and also under Section 3 (i) (r) , 3 (2) (va) & 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.



Petitioner along with two other accused persons are said to have assaulted the informant in course of morning walk and when his father rushed to pacify the matter all three accused persons including this petitioner assaulted him on his head resulting into his death.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to animosity. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Doctor has found only one lacerated injury on the head of deceased and assailant of the said injury is not ascertained. Appellant has been languishing in custody since 23.8.2018. Appellant has no criminal antecedent. Similarly situated accused persons namely Purushottam Singh @ Purushottam Rajhans and Mithilesh Singh have been enlarged on bail in CR. APP (SJ) No. 4444 of 2018 and CR. APP (SJ) No. 4450 of 2018 vide order dated 21.01.2019 and 22.01.2019 respectively by co-ordinate Bench of this Court.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge-cum- Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities)Act, Bhagalpur in connection with Nathnagar P.S. Case No. 447 of 2017 corresponding to G.R. No. 4172 of 2017.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.5.2019
Transmission Date	21.5.2019

