

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1133 of 2019

Arising Out of PS. Case No.-30 Year-2017 Thana- SC/ST District- Patna

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1. ABHAY SINGH @ ABHAY KUMAR SINGH @ BABLOO SINGH Son of Late Nagendra Nath Singh, Resident of S.D.O. Road, Shahjadpur, Andarkila (Noon Gola), P.S.- Hajipur, District- Vaishali (Hajipur).
 2. Bishwajeet Singh @Bishwajeet Kumar@ Chittu Singh, Son of Bishwanath Singh, Resident of Bakri Bazar, P.S.-Sonepur, District-Saran, presently residing at Alisa Restaurant, Dak Bunglow Road, P.S. Hajipur Sadar, District-Vaishali at Hajipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-06-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 01.02.2019 passed by learned Additional District & Sessions Judge-cum-Special Judge (SC/ST Act) Patna in connection with Spl. Case No. 814 of 2017 arising out of SC/ST P.S. Case No. 30 of 2017 registered under Sections 406, 420, 120B, 307, 354, 379, of the Indian Penal Code and Section 27 of



the Arms Act and also under Section 3 (i) (x), 3 (i) (p) (a), (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There was a partnership business of restaurant between the complainant and one Ajit Kumar and in order to grab his share in the business Ajit Kumar descended at the house of the complainant along with the appellants slated him in the name of his caste over giving legal notice to him and resorted firing.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have no concern with the aforesaid business of the complainant and co-accused Ajit Kumar. Appellant No.1 happens to be the landlord of the shop while appellant No. 2 is his relative. There is no allegation of slating the complainant in the name of his caste against the appellants rather against Ajit Kumar. Allegation of firing levelled against the appellants is not specific rather general and omnibus in nature and none has sustained gun shot injury in the occurrence. Appellants have no criminal antecedent.

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



In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum-Spl. Court SC/ST Act, Patna, in connection with Spl. Case No. 814 of 2017 arising out of SC/ST P.S. Case No.30 of 2017, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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