

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1238 of 2019**

Arising Out of PS. Case No.-78 Year-2017 Thana- KAMTAUL District- Darbhanga

Sikandar Singh @ Sikandar Thakur @ Sakindra Thakur S/o Ambika Singh
R/o Village- Ratanpur, P.S.- Kamtaul, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shankar Kumar Thakur
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL ORDER

5 26-06-2019 Heard learned counsel for the appellant 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 02.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST POA Act), Darbhanga in connection with Kamtaul P.S. Case No.78 of 2017 registered under Sections 341 & 307/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with his friend were regressing from his in-laws house, three F.I.R. named and 4-5



unknown accused persons including the appellant surrounded them and on exhortation of Satyendra Thakur to assault slating him in the name of his caste all the accused persons started indiscriminate firing but the informant and his companion fled away.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. The only allegation against the appellant is resorting firing but none has sustained any injury in the occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No offence under SC/ST Act is made out against the appellant. The said Satyendra Thakur and another has been enlarged on bail by a coordinate Bench of this Court vide order dated 10.01.2019 in Cr. Appeal (SJ) No.3875 of 2018.

Learned Spl. PP 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST POA Act), Darbhanga in connection with Kamtaul P.S. Case No.78 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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