

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1687 of 2019**

Arising Out of PS. Case No.-200 Year-2018 Thana- SAHIYARA District- Sitamarhi

Chandan Kumar @ Chandan Singh @ Chandan Kumar Singh S/o Vaidhanath
Singh R/o Village- Pokhar Bhinda, P.S.- Sahiyara, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 04-07-2019 Heard learned counsel for the appellant and learned
Spl. PP 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 of anticipatory bail
vide order dated 27.03.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Sitamarhi in Sahiyara P.S.
Case No. 200 of 2018 registered under Sections 147, 148, 149,
341, 323, 324, 307, 504 & 506 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Over some sort of dispute between dance



programme, 17 named and 5-7 unknown miscreants including the appellant are said to have slated the informant in the name of his caste and Kanhaiya Singh resorted firing upon his stomach by means of pistol resultantly he fell down. Then Mannu Singh and Rahul Singh resorted firing upon him by means of pistol, but he left unhurt.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. There is case and counter case between the parties. The informant has sustained only gun shot injury which is attributed to Kanahiya Singh. Allegation of slating the informant in the name of his caste levelled against the appellant and other accused persons is not specific. There were 24 accused persons at P.O. but the informant has not disclosed specifically as to who slated him in the name of his caste. Appellant has no criminal antecedent.

On the other hand, learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in connection with Sahiyara P.S. Case No. 200 of 2018, subject to the 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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