

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1607 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- TETERHAT District- Lakhisarai

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Kundan Singh @ Shyam Kishore Kumar Son of Late Dara Singh Resident of
Village - Sharma, P.S.- Tetarhat, Distt.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate. Mr. Rajesh Ranjan Kumar, Advocate.
For the Respondent/s	:	Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 25-04-2019

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 for bail vide order dated 03.04.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Lakhisarai in Tetarhat P.S. Case No. 29 of 2019 registered under Sections 147, 149, 341, 342, 323, 353, 504, 506 and 379 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Five illegal sand laden tractors were seized by the informant and when the aforesaid tractors were being taken to



New Bus Stand for parking there, in the meantime, appellant, Mantu Singh and 40-50 male and female persons encircled him and the appellant and Mantu Singh slated the informant in the name of his caste and got released his tractor and fled away with said tractor.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Allegation levelled against the appellant is not specific rather general and omnibus in nature. As a matter of fact, he has been falsely implicated in the case by the police personnel on refusal to cough up the illegal demand made by them in the course of taking some sand from his village for his personal use. Appellant has no criminal antecedent and has been languishing in custody since 22.03.2019.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge,



Lakhisarai in connection with Tetarhat P.S. Case No. 29 of 2019.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
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