

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1503 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- SHASTRINAGAR District- Patna

RAJESH KUMAR SINGH @ RAJESH SINGH Son of Pramod Kumar Singh
Resident of Mohalla - Sheikhpura Bagicha, Brahmsthani Gali, Sheikhpura,
P.S.- Shastri Nagar, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1781 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- SHASTRINAGAR District- Patna

NITISH KUMAR @ NITISH SINGH @ NITISH KUMAR SINGH Son of
Pramod Kumar Singh Resident of Mohalla-Sheikhpura Bagicha, Brahmsthani
Gali, Sheikhpura, P.S-Shastri Nagar, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1503 of 2019)

For the Appellant/s : Mr.Bindeshwar Kumar

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 1781 of 2019)

For the Appellant/s : Mr.Bindeshwar Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

5 30-08-2019 As both the criminal appeals have cropped up from

the same order, hence aforesaid two appeals are being heard

together and disposed of by this common order.

Heard learned counsel for the appellants and learned

Spl. PP for the State on the aforesaid appeals.



Aforesaid appeals are under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 23.03.2019 passed by learned Special Judge, SC/ST Act, Patna in Shashtri Nagar P.S. Case No. 165 of 2019 registered under Sections 341, 323, 307, 385, 379/34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Act.

Appellants along with one named co-accused namely Jay Singh and three unknown miscreants are said to have descended at the medicine shop of the informant armed with sharp edged weapons and demanded extortion. They also slated him in the name of his caste and on venting inability to cough up their demand appellants Nitish Singh and Rajesh Singh assaulted on his head by means of sharp edged weapon inflicting injury on his forehead. They snapped wire of CCTV camera and took away Rs.70,400/- from the cash box. Appellants also extended threatening of dire consequence on filing case against them.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Rajesh Singh is having newly opened medicine shop under name and style of Anshika Medico located in the vicinity of the shop of the informant and



to establish their shop the appellants vend medicine at low margin and on vending medicine to some of the customers of the informant, some altercation took place between them and due to aforesaid business rivalry informant has lodged this false and frivolous case against the appellants. Though as per the F.I.R. itself, six accused persons arrived at the shop of the informant and committed the occurrence but informant in his further statement has only taken the name of three named accused persons including the appellants in the occurrence. Moreover as per the F.I.R., only appellants assaulted on the forehead of the informant by sharp edged weapon but informant in his further statement has stated that three accused persons assaulted them by means of rod and lathi. There is no injury report in the case diary. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of theft is super addition.

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

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Shashtri Nagar P.S. Case No. 165 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and aforesaid two appeals are allowed.

(Prakash Chandra Jaiswal, J)

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