

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2509 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- SC/ST District- Rohtas

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Awanish Singh @ Awanish Anand Son of Late Pramod Singh Resident of
Village- Makarain, Dalmiya Nagar, P.S.- Dehri, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 28-06-2019 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 16.05.2019 passed by learned 1st Addl. District
& Sessions Judge Sasaram, Rohtas in Dehri SC/ST P.S. Case
No. 26 of 2019 registered under Sections 147, 148, 149, 341,
323, 307, 354, 379, 427, 506, 504 of the Indian Penal Code and
Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

27 named and 10-15 unknown miscreants are said
to have descended at the door of the informant and pushed the



same slating her in the name of her caste. Appellant is said to have assaulted on the head of her brother-in-law by means of hockey stick inflicting head injury to him. Accused persons are also said to have snatched golden chain of the informant and her other family members.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to animosity. There is case and counter case between the parties. There were around 15 persons at the place of occurrence, but informant has not specifically stated as to who slated her in the name of her caste. As per the impugned order itself, it is evident that at the time of occurrence, the appellant was in his shop as evident from the CCTV footage of the shop, hence, no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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. District & Sessions Judge Sasaram, Rohtas in connection with Dehri SC/ST P.S. Case No. 26 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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