

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2785 of 2019

Arising Out of PS. Case No.-41 Year-2013 Thana- MAHILA P.S. District- Sheikhpura

NARENDRA SINGH Son of Late Ram Keshwar Singh Resident of Village- Patanwan, Police Station- Inderpura, District- Rohtas, at present Mandal Kara Hazipur, Police Station- Hazipur, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 30-08-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 12.06.2019 passed by learned 1st Addl. District and Sessions Judge, Sheikhpura in Sheikhpura Mahila P.S. Case No. 41 of 2013 registered under Sections 323, 341, 354(A), 504 and 506/34 of the Indian Penal Code and Section 3(1)(x)(xi) of the SC/ST Act.

Informant happens to be under trial prisoner of Sub-Divisional Jail, Sheikhpura. On demand of medicine by her, Narendra Singh (appellant) slated her in the name of her caste. In the meantime Head Clerk of the Jail namely Raj Kishore



Singh also arrived there and slated her in the name of her caste. He also assaulted her and pushed her. Thereafter both the accused persons dragging her in the ward locked in it.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. Informant is in habit of lodging the case against the officers of the jail and others on one pretext and others. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. After investigation of the case, police submitted final form for want of evidence. Appellant has no criminal antecedent. Similarly situated co-accused namely Raj Kishore Singh has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.04.2016 passed in Cr. Misc. No. 9607 of 2016.

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 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 the learned 1st Addl. District and Sessions Judge, Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 41 of 2013, 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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