

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3123 of 2019

Arising Out of PS. Case No.-308 Year-2019 Thana- KATIHAR District- Katihar

1. SHANKAR SINGH Son of Ram Babu Singh Resident of Mohallah - Hawai Adda, P.S.- Katihar (S), District - Katihar.
2. Guddu Singh Son of Ram Babu Singh Resident of Mohallah - Hawai Adda, P.S.- Katihar (S), District - Katihar.
3. Kartik Kumar @ Katik Kumar @ Kartik Sahni Son of Sri Kishun Sahni Resident of Mohallah - Gaushala, P.S.- Katihar (Sahayak), District - Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

4 27-09-2019 Heard learned counsel for the appellants 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 26.06.2019 passed by learned A.D.J.-I cum Special Judge, Katihar in Nagar (Sahayak) P.S. Case No. 308 of 2019 registered under Sections 147, 148, 149, 341, 323, 307, 325, 354B and 379 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.



On protest made by the informant against vending of illegal liquor by Rajiv Choudhary and Ranjan Chaudhary in front of his house, they slated him in the name of his caste. Subsequently 13 accused persons named in the F.I.R. including aforesaid accused persons descended at his shop. Appellant Shankar Singh putting pistol in his mouth slated him in the name of his caste while other accused persons assaulted the informant, his nephew, sister and brother-in-law.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact it is the informant who vends illegal liquor in the locality and on raising protest by the appellants who happen to be persons of different castes and community, informant has lodged this false and frivolous case against them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants are said to have assaulted the sister and brother-in-law of the informant in association of other accused persons, but the aforesaid persons have not sustained any injury in the occurrence. There is no allegation of slating the informant or anyone against the appellants Guddu Singh and Kartik Kumar. Appellants happen to be students and they have no



criminal antecedent.

On the other hand, learned Spl.PP for the State opposing the bail petition submitted that the appellant Shankar Singh putting pistol in the mouth of the informant slated him in the name of his caste, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant no.1 Shankar Singh on bail. Prayer for bail of the appellant Shankar Singh is rejected.

However, appellant Shankar Singh is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellant Shankar Singh on the very date of his surrender in accordance with law without being prejudiced by this order.

So far as appellant nos. 2 and 3 are concerned, they are directed to 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 A.D.J.-I cum Special Judge, Katihar in connection with Nagar (Sahayak) P.S. Case No. 308 of 2019,



subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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