

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3085 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- ISUAPUR District- Saran

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Dinesh Singh Son of Shyam Narayan Singh Resident of Village- Sumbha,
P.S.- Issuapur, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kulanand Jha

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 04-09-2019 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 19.06.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST (PoA) Act, Saran in Issuapur
P.S. Case No. 121 of 2018 registered under Sections 341, 323,
385, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)
(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.

On snatching motorcycle and Rs. 31,000/- of the
informant by the appellant Dinesh Singh and one Golu Singh,
the informant lodged complaint case in the court of CJM, and on



learning of the aforesaid fact, aforesaid two accused persons along with one named and two other unnamed accused persons arriving at the shop of the informant mounted pressure upon him to withdraw the case, and on his refusal, they slated him in the name of his caste and co-accused Sanjay Singh assaulted him by means of slipper and demanded extortion of Rs. 2 lac.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute and animosity. Allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Independent witnesses in the case diary have unanimously denied the occurrence of slating the informant by the accused persons including the appellant at the time of occurrence. There is inordinate and abnormal delay of six days in lodging the FIR without assigning any plausible explanation for the same. 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. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Saran in connection with Issuapur P.S. Case No. 121 of 2018, 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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