

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3390 of 2019

Arising Out of PS. Case No.-169 Year-2015 Thana- ATRI District- Gaya

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Sonu Kumar Son of Rajvallam Singh @ Raj Ballabh Singh Resident of
Village - Khetila, P.S.- Arti, Distt - Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 27-09-2019 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 18.06.2019 passed by learned Exclusive
Special Judge, SC/ST Act, Gaya in Atri P.S. Case No. 169 of
2015 registered under Sections 341, 323, 324, 504/34 of the
Indian Penal Code and Section 3(i)(x) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding in the
immersion procession of god Ganesh, co-accused Bullet Singh,
Bittu Singh and Awadhesh Singh started slating him, and on



protest made by the informant, they assaulted him. In the meantime, three accused persons including the appellant arrived there on motorcycle armed with knife and pistol. Co-accused Bittu Singh assaulted on the head of Doman Singh by mean of butt of the pistol and the informant was also assaulted on his cheek by knife. The bone of contention is said to be refusal by the informant to vend liquor of the appellants.

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 this case due to dirty village politics. There is no allegation of slating the informant against the appellant. He also does not happen to be assailant. The informant has not stated in specific as to who assaulted on his cheek by means of knife and learned lower court has also not observed about finding of any injury on the person of the informant after perusal of the case diary in the impugned order. As a matter of fact, the informant has not sustained any injury in the occurrence. After investigation of the case, I.O. has submitted charge-sheet showing the appellant as not sent up. 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 Exclusive Special Judge, SC/ST Act, Gaya in Atri P.S. Case No. 169 of 2015, 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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