

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3398 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- DARAUNDA District- Siwan

Niraj Kumar Singh Son of Kabindra Nath Singh Resident of Village- Korari
Khurd, P.S.- Daraunda, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Choudhary, Adv Mr. Anil Kumar Tiwary, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1

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

ORAL ORDER

4 26-09-2019 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 17.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Siwan in Daraunda P.S. Case No. 32 of 2019 registered under Sections 341, 323, 324, 354(B), 448, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with five other named accused persons intruding into the house of the informant slated her in



the name of her caste and appellant assaulted on the head of the informant by means of sword inflicting injury to her while other accused persons assaulted other family members of the informant and co-accused Chunchun Singh grappled the boobs of her *gotni*.

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 land dispute. Slatting the informant in the name of her caste is said to have been made inside the house of the informant and not in the public view. Appellant is said to have assaulted on the head of the informant by means of sword, but doctor has found only one lacerated injury on the head of the informant caused by hard blunt substance and not by sharp edged weapon, which rules out the aforesaid allegation levelled against the appellant. Opinion regarding nature of injury has not been given by the doctor despite keeping the same reserved even after lapse of seven months. The F.I.R. has been lodged by inordinate delay of five days without assigning any plausible explanation for the said delay which also creates serious doubt about the prosecution case. 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, Siwan in Daraunda P.S. Case No. 32 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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