

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3533 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- NASRIGANJ District- Rohtas

1. Abhishek Kumar Son of Late Shyam Narayan Singh Resident of Village - Khutaha, P.S.- Nasriganj, Dist.- Rohtas at Sasaram.
2. Nirmal Singh Son of Sri Sharda Singh @ Sharda Nand Singh @ Sardanand Singh Resident of Village - Khutaha, P.S.- Nasriganj, Dist.- Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

8 14-11-2019 Learned counsel for the appellants seeks permission to withdraw this appeal on behalf of the appellant no. 2 Nirmal Singh submitting that the said appellant has been apprehended during pendency of the appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of the appellant no. 2.

Heard learned counsel appearing on behalf of the appellant no. 1 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 27.02.2019 passed by learned 1st Addl. Sessions Judge, Rohtas at Sasaram in Nasriganj P.S. Case No. 13 of 2019 registered under Sections 341, 323, 504, 506, 353/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant and co-accused Nirmal Singh are said to have been extorting money from the shopkeepers, and on protest, they assaulting them. When the informant rushed there and forbade the appellant and co-accused, they slated him in the name of his caste and assaulted him.

It is submitted by learned counsel appearing on behalf of the appellant no. 1 that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to animosity. Appellant, co-accused Nirmal Singh and the informant are resident of the same village. Appellant has lodged a Complaint Case No. 41/2019 against the informant and his family members regarding the same occurrence. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence and none of the shopkeepers has made any complaint about demanding extortion money and assaulting them by the appellant. 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 no. 1 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, Rohtas at Sasaram in Nasriganj P.S. Case No. 13 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 in respect of the appellant no. 1 and the appeal is allowed.

(Prakash Chandra Jaiswal, J)

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