

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3473 of 2019**

Arising Out of PS. Case No.-158 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

Vishal Kumar @ Vishal Kumar Singh Son of Late Hira Singh Resident of
Village - Kanchanpur, P.S.- Sasaram (Muffasil), District- Rohtas at Sasaram

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 21-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.07.2019 passed by learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No.158 of 2019 registered under Sections 323 & 504/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other named accused persons are said to have caused hindrance in the marriage



ceremony of the son of the informant and slated informant and others in the name of their caste. On protest made by the informant co-accused Badal Singh @ Nitin Kumar whipped out pistol and extended threatening but he was apprehended and his pistol was snatched, while two other accused persons including the appellant managed to escape. The apprehended accused disclosed the name of appellant as one his fleeing accomplices involved in the occurrence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to animosity. He was not apprehended on the spot. There is nothing on record indicating the complicity of the appellant in the occurrence, barring the disclosure made by co-accused Badal Singh which has no evidentiary value in the eye of law. He has no concern with the aforesaid concern. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No.158 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

