

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3579 of 2019**

Arising Out of PS. Case No.-43 Year-2019 Thana- KIUL District- Lakhisarai

Mukul Singh Son of Jitendra Singh Resident of Village - Rampur, P.S.-
Surajgarha, District- Lakhisarai alleged to owner of Truck Bearing
Registration No. BR53G-2274

... .. Appellant/s

Versus

The State Of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 25-09-2019 Heard learned counsel for the appellant and learned
Spl. P.P. 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 25.07.2019 passed by learned 1st Addl. District
& Sessions Judge-cum-Special Judge (SC/ST Act) Lakhisarai in
Kiul P.S. Case No.43 of 2019, registered under Section 147,
148, 149, 341, 323, 324, 307, 353, 332, 333, 504, 506 of the
Indian Penal Code and Sections 3 (I) (r) (s)/ 3 (2) va SC/ST Act.

28 named persons including the appellant and 150
unknown miscreants are said to have assaulted the informant
and police personnel by means of brick-bat etc. and made two of



them injured on seizure of illegal sand laden truck by them. They slated the informant in the name of his caste and also extricated the aforesaid truck from their custody.

It is submitted by the 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. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Utmost, the appellant happens to be member of the mob. There is no allegation of slating the informant in the specific name of his caste and moreover there were 178 persons present at the place of occurrence but the informant has not stated in specific as to who slated him in the name of his caste. Similarly situated co-accused Bambam Mistry has been enlarged on anticipatory bail by this Court passed in Criminal Appeal (SJ) No. 2900 of 2019 vide order dated 13.08.2019. Appellant has no criminal antecedent.

Learned Spl. P.P. 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 the learned 1st Addl. District & Sessions Judge-cum-Special Judge (SC/ST) Act, Lakhisarai in connection with Kiul P.S. Case No. 43 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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