

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3826 of 2019

Arising Out of PS. Case No.-61 Year-2017 Thana- TARAIIYA District- Saran

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ASHISH KR. SINGH @ ASHISH KUMAR Son of Tarak Nath Singh
Resident of Village- Dumari Chapiya, P.S.- Taraiya, District- Saran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

2 09-09-2019 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 01.08.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Taraiya P.S. Case No.61 of 2017 registered under Sections 341, 323, 392/34 & 120 B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Ten accused persons including the appellant is



said to have slated the informant in the name of his caste, assaulted him and snatched Rs.3000/- from his pocket. Co-accused Vikash Singh also assaulted him by means of butt of the pistol inflicting injury on his chest and below the eye.

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. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of ten days in lodging the F.I.R. without assigning any plausible explanation for the same. Appellant has no criminal antecedent. Similarly situated co-accused Mintu Kumar Singh @ Mintu Singh and others have been enlarged on bail by a coordinate Bench of this Court vide order dated 10.01.2019 passed in Cr. Appeal (SJ) No.3709 of 2018 and Raju Singh @ Raju Kumar Singh has been enlarged on bail by this Court vide order dated 26.07.2019 passed in Cr. Appeal (SJ) No.2832 of 2019.

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, Saran at Chapra in connection with Taraiya P.S. Case No.61 of 2017, 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)

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