

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3903 of 2019**

Arising Out of PS. Case No.-9 Year-2019 Thana- MADHUBAN District- East Champaran

PINTU KUMAR SINGH @ GABBAR SINGH S/o- Late Rajendra Singh R/o
Village- Maksudpur Karariya Tola, P.S.- Shyampur Bhataha, District-
Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

5 28-11-2019 Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 31.07.2019 passed in A.B.P. No. 1985/19 by the learned 1st Additional District and Sessions Judge cum Special Judge, Scheduled Caste and Scheduled Tribe Act, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 09/19 registered for the offence punishable under Sections 147/148/149/384/307/302 of the Indian Penal Code and Section 25(1-b)a/26/27/35 of the Arms Act and Section 3(2)(v) and of the SC/ST (Prevention of Atrocity) Act.

Learned counsel for the Appellant submits that though



there is an elaborate FIR describing the offence, the role of the appellant has been subscribed to only his presence and not otherwise. No specific role has been attributed to the present appellant and he is facing prosecution only on account of his alleged presence there. Learned counsel for the Appellant further submits that the stringent provisions of SC/ST Act would not be attracted in the present case as neither of the parties belong to the SC/ST. He thus submits that entire allegations are false and frivolous and the appellant may be extended the privilege of anticipatory bail.

Having considered the entire facts and circumstances of the case and upon consideration of submissions and that the appellant is not having any criminal antecedents, let the appellant above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned 1st Additional District and Sessions Judge cum Special Judge, Scheduled Caste and Scheduled Tribe Act, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 09/19, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. Accordingly, the impugned order



is set aside and appeal is allowed.

The appeal stands consigned.

(Anjana Mishra, J)

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