

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3996 of 2019**

Arising Out of PS. Case No.-46 Year-2016 Thana- DURAULI District- Siwan

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Jitendra Kumar @ Chinku Sah Son of Subash Sah @ Subash Chandra Gupta
Resident of Motichhapur, Thana Road, Mairwa, P.S.- Mairwa, Dist.- Siwan.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Dwivedi, Advocate.
For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

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

ORAL ORDER

2 25-09-2019 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 22.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Daraoli P.S. Case No. 46 of 2016 registered under Sections 143, 147, 148, 149, 151, 341, 342, 323, 307, 332, 333, 338, 188, 353, 427, 504, 506 & 120 B of the Indian Penal Code, under Section 3 of the Damage of Public Property Act and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Over murder of two persons 23 named accused persons including the appellant and around 200 unknown miscreants blocked the road and raised anti administrative slogans. They also slated the informant and others in the name of caste and damaged the police vehicle and also assaulted the police personnel by pelting stones.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Similarly situated co-accused persons, namely, Birendra Singh and another, Rajesh Barnwal and others and Dilip Ojha @ Dilip Kumar Ojha have been enlarged on bail by different co-ordinate Bench of this Court vide judgment dated 20.05.2019, 08.02.2019 and 31.01.2019 passed in Cr. Appeal (SJ) Nos.938 of 2019, 177 of 2019 and 346 of 2019 respectively.

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 cum Special Judge, Siwan in connection with Darauli P.S. Case No. 46 of 2016, 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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