

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4087 of 2019

Arising Out of PS. Case No.-63 Year-2014 Thana- SC/ST District- Nawada

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ARJUN SINGH Son of Govind Singh Resident of Village- Sarsu, P.S.- Atri in
The District of Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

2 27-09-2019 Heard learned counsel for the appellants and learned
Spl. PP 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 28.08.2019 passed by learned 1st Addl. Sessions Judge, Nawada in SC/ST Nawada P.S. Case No. 63 of 2014 registered under Sections 147, 148, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code, Section 3(1)(1)(a)(o)(r)(s)(u)(w)(ii)(y) of the SC/ST Act and Section 27 of the Arms Act.

During the course of PACs election, Devendra Singh who was one of the candidate in the said election taking four other named accused persons including the appellant and some unknown miscreants arrived at the booth and slated the



informant in the name of his caste and also assaulted him by means of butt of the rifle inflicting injury to him. Other accused persons also assaulted other persons. Said Devendra Singh also resorted firing and anyhow he managed the election in his favour and was declared winning candidate due to not casting vote by the community people of the informant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. None has sustained any injury in the occurrence. Presiding Officer has also suggested that there was no intervention on the polling booth. There is inordinate and abnormal delay of 5 days in sending the F.I.R. to the court below which goes to suggest the F.I.R. antedated. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste against the appellant. Said Devendra Singh has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.09.2015 passed in Cr. Misc. No. 36255 of 2015.

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

Having regard to 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. Sessions Judge, Nawada in connection with SC/ST Nawada P.S. Case No. 63 of 2014, 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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