

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4942 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- SASARAM MUFFASIL District- Rohtas

DHARMENDRA SINGH Son of Lalan Singh Resident of Village-
Vishrampur, P.S.- Sasaram (Muffasil), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Nath Ojha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 19-11-2019 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 for bail vide order dated 17.10.2019 passed by learned 1st Additional Sessions Judge, Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 139/2019 registered under Sections 302/201/34 of the Indian Penal Code and Section 3(2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Parshuram Singh called cousin brother of the informant at the bridge and after some interaction between them other six named accused persons arrived there



and caught hold his brother and on the exhortation of all the accused persons Bhola Yadav @ Rakesh Yadav resorted firing on him, which proved fatal. Dumping the dead body in the chat they scated taking his motorcycle.

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 due to dirty village politics as he happens to be husband of local Mukhiya. Appellant does not happen to be the assailant. Allegation of giving order for assault levelled against the appellant is not specific rather general and omnibus in nature. No incriminating article has been recovered from his possession. Informant by filing petition before the learned lower court has denied the complicity of the appellant in the occurrence. He has been languishing in custody since 21.06.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to 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, Sasaram in



connection with Sasaram (Muffasil) P.S. Case No. 139/2019.

Accordingly, the impugned order is set aside and
this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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