

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5225 of 2019

Arising Out of PS. Case No.-543 Year-2016 Thana- KHAJANCHI HAT District- Purnia

1. Umesh Prasad Singh @ Umesh Singh Son of Late Mahendra Singh Resident of Ram Bagh, Lal Chouni, P.S.- Sahayak K. Hat, District- Purnea.
2. Sonu Singh Son of Umesh Singh Resident of Ram Bagh, Lal Chouni, P.S.- Sahayak K. Hat, District- Purnea.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate

For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-12-2019 Heard learned counsel for the appellants and learned counsel for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 02.05.2017 passed by the learned Ist Additional Sessions Judge cum Special Judge, SC/ST Act, Purnea, in Special Case No. 222 of 2016 arising out of K. Hat P.S. Case No. 543 of 2016, registered under Sections 147, 447, 341, 323, 379, 384, 420, 504 and 506 of the Indian Penal Code and Section 3(1)(g), 3(1)(s) of Schedule Caste/ Schedule Tribe (Prevention of Atrocities) Act 1989, whereby the prayer of anticipatory bail has been rejected.

Learned counsel for the appellants submits that the



entire case is false and fabricated and has been filed by the informant only to take advantage of his influence to grab the land and the story as carved out by him is only fictitious. It is further submitted that the present appellants have no connection with the said Bhavesh Kumar who is stated to be the main person accused in the case. It is further submitted that the said Bhavesh Kumar has already been extended the privilege of bail.

After hearing learned counsel for the appellant and learned counsel for the State, it appears that a distinct cloud on the prosecution story and there is nothing to show that the alleged occurrence took place in the public view and at a public place.

In view of the aforementioned facts and circumstances, let the appellants, above named, be released on bail, in the event of their arrest or surrender before the learned 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 each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Purnea in connection with Special Case No. 222 of 2016 arising out of K.Hat P.S. Case No. 543 of 2016, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure.

With the aforesaid, the present appeal stands allowed
and consigned to records.

(Anjana Mishra, J)

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