

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5275 of 2019

Arising Out of PS. Case No.-599 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

ROHIT KUMAR Son of Dharmendra Yadav Resident of Village - Dhelwan ,
P.S.- Ramakrishna Nagar, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Usha Kumari Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application has been filed against the order dated 11.9.2019 passed in A.B.P. No.7018 of 2019 by the learned Additional Sessions Judge cum Special Judge, SC/ST Act, Patna whereby the learned Judge has been pleased to reject the application for anticipatory bail filed by the appellant.

As per the allegation in the FIR, it is stated by the informant that while she was sweeping her floor some water went to the adjacent gate as a result of which both the accused persons including the petitioner herein assaulted her. It is stated that at the relevant time she was alone in the house.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged has taken place, no offence



under the SC/ST Act is made out against the appellant, the appellant has no criminal history and that the case of the appellant stands on the similar footing to the other F.I.R. named co-accused Dharmendra Yadav who has enlarged on bail by order dated 5.11.2019 (Annexure-2) passed in Cr. Appeal (SJ) No. 4692 of 2019.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, I find substance in the submission made on behalf of the appellant.

Accordingly, the order dated 11.9.2019 passed in A.B.P. No.7018 of 2019 by the learned Additional Sessions Judge cum Special Judge, SC/ST Act, Patna is set aside and the appellant above named be enlarged on bail, in the event of his arrest or surrender within six weeks, 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 Additional Sessions Judge, XX-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No. 405 of 2019 (Ramkrishna Nagar P.S. Case No. 599 of 2019 (District-Patna) subject to the conditions stipulated under section 438(2) of the Code of Criminal Procedure.



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

(Partha Sarthy, J)

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