

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1282 of 2020

Arising Out of PS. Case No.-232 Year-2019 Thana- CHAUTHAM District- Khagaria

Sanjay Singh, aged about 43 years, male, Son of Phulo Singh, Resident of
Village : Agrahan, P.S.: Choutham, District: Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suresh Prasad Singh
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-06-2020 Heard Mr. Suresh Prasad Singh, learned counsel for
the appellant and Mrs. Usha Kumari No. 1, learned counsel
appearing for the State through video conferencing.

The present Appeal is directed against the order dated
28.02.2020 passed by learned Additional Sessions Judge 1st-
cum- Special Judge, SC/ST Act, Khagaria in connection with
Chautham P.S. Case No. 232 of 2019 registered for the offence
under Section 341, 323, 504, 506, 379, 34 of the Indian Penal
Code, 1860 and under Section 3(1)(r)(s), 3(2)(Va) of the SC/ST
Act, whereby regular bail application of the appellant has been
rejected.

The allegation against the appellant as per the First
Information Report lodged by Headmaster of Middle School is
that on the date of occurrence i.e. 05.10.2019 after closing



School when the informant was returning back to his house, he was accosted by the appellant and his son and the appellant abused the informant and his son pointed a Three- Nut revolver upon him and the appellant assaulted him by means of *lathi*. It has further been alleged that the appellant also snatched a golden chain and Rs. 2000/- from possession of the informant. The informant also alleged that the appellant abused the informant by his caste name.

Mr. Suresh Prasad Singh, learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to village politics inasmuch as the appellant was a member of the Panchayat Samiti and at present his wife is a sitting member of the Panchayat Samiti. Learned counsel further submits that the fact of the matter is that the informant was indulged in misappropriation of Government fund inasmuch as Mid Day Meal of the students studying in the School was not being provided properly and students were also not being paid their scholarship. Learned counsel submits that this was protested by the appellant by filing a complaint before the District Education Officer, Khagaria along with other villagers and the informant in order to take vengeance from the appellant has got the present F.I.R. lodged against him. Learned counsel



further submits that even from perusal of the First Information Report it would be evident that the incident had allegedly taken place near the residence of the appellant which was not a public place and as such, the provisions of Section 3(1)(r)(s), 3(2)(Va) of the SC/ST Act are not applicable in the facts of the case. Learned counsel also submits that appellant is in custody since 20.02.2020.

On the other hand, Mrs. Usha Kumari No.1, learned counsel appearing for the State vehemently opposes the prayer for bail and submits that the appellant has got criminal antecedent. In reply, learned counsel for the appellant referring to paragraph no. 3 of this bail application submits that in three cases the appellant has been acquitted and in one case he is on bail.

Having heard learned counsel for the parties and taking into consideration the fact that no apparent injury has been caused to the informant and the appellant is in custody since 20.02.2020, I am inclined to grant regular bail to the appellant.

This appeal is, accordingly, allowed.

Let the appellant, above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st -cum- Special Judge, SC/ST, Khagaria, in connection with Chautham P.S. Case No. 232 of 2019 .

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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