

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1351 of 2020

Arising Out of PS. Case No.-197 Year-2019 Thana- BHAGWANPUR District- Begusarai

Bittu Singh Son of Chano Singh @ Chandeshwar Singh @ Chandrashekhar
Singh, Resident of Village- Manopur, P.S.- Bhaganwapur, District- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-07-2020 Heard learned counsel for the appellant and learned
counsel for the State via video conferencing.

This appeal under Section 14(A) 2 of the Prevention of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) has been filed by the petitioner challenging the order dated 02.03.2020 passed by the learned Special Judge, SC/ST (PoA) Act, Begusarai in Bhagwanpur P.S. Case No. 197 of 2019 whereby and whereunder, he has rejected the prayer for bail of the appellant.

Bhagwanpur P.S. Case No. 197 of 2019 was registered for the offences punishable under Sections 341, 323, 307 and 506 read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Learned counsel for the appellant submitted that prior to the lodging of the present case, father of the appellant had instituted Bhagwanpur P.S. Case No. 114 of 2019 on 28.06.2018 for the offences punishable under Sections 147, 341, 323, 385, 379 and 504 of the Indian Penal Code against the informant and his family members. He contended that the instant case has been instituted in retaliation to the case instituted against the informant and his family members with vague, general and omnibus allegation against all the FIR named accused persons including the appellant to have opened fire but, nobody had received any injury. He further contended that the allegations of intentionally insulting or intimidating the informant and abusing him by taking caste name in public view have been made in order to teach the appellant and others lesson for lodging case earlier against the informant and his family members. Lastly, he contended that co-accused Munna Singh having identical allegation as against the appellant has already been granted bail by a Bench of this Court vide order dated 04.02.2020 passed in Cr. Appeal (SJ) No. 5382 of 2019.

Learned counsel for the State has opposed the prayer for grant of bail to the appellant.

Considering the submissions made above and the



other facts and circumstances of the case, the impugned order dated 02.03.2020 passed by the learned Special Judge, SC/ST (PoA) Act, Begusarai in Bhagwanpur P.S. Case No. 197 of 2019, is set aside. The appellant, who is in custody since 15.02.2020 and, against whom, the investigation has been completed, is directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (PoA) Act, Begusarai in connection with Bhagwanpur P.S. Case No. 197 of 2019.

The appeal stands allowed.

(Ashwani Kumar Singh, J)

rohit/-

U		T	
---	--	---	--

