

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1533 of 2020

Arising Out of PS. Case No.-316 Year-2019 Thana- PATAHI District- East Champaran

BRAJESH SINGH @ BRAJESH KUMAR Son of Late Chandeshwar Singh
Resident of Village- Barashankar, Police Station - Patahi, District - East
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Adv.
For the Respondent/s : Mr. Usha Kumari No. 1, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-12-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceedings.

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 of anticipatory bail
vide order dated 20.03.2020 passed by learned Additional
District Judge-1-cum Special Judge, SC/ST Act, East
Champaran, Motihari in connection with Patahi P.S. Case No.
316 of 2019 registered under Sections 302, 201 of the Indian
Penal Code. Later on Sections 3(2) (v) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act has been



added.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that no specific allegation of assault against the appellant, nor the appellant has used the caste name, as such no offence is made out against the appellant under SC/ST Act. He submits that after laps of 102 days of the occurrence, SC/ST Act was added against six accused persons including the appellant without explaining any reason. He submits that there is dispute between the parties due to PACS election and on the basis of the same, appellant has been made accused.

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

In the facts and circumstances of the case, the above named appellant in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum Special Judge, SC/ST Act, East Champaran, Motihari in connection with Patahi P.S. Case No. 316 of 2019, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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