

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1562 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- GARDANIBAG District- Patna

Sunil Kumar Singh S/o Late Shiv Kumar Singh Resident of Village-Tejpratap
Nagar Bradhawan Colony, P.S.-Beur, District-Patna posted as constable in
B.M.P. as Ghorsabar P.S.-Gardanibag, District-Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Uday Kumar, Advocate
For the Respondent : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

The present memo of appeal has been filed for setting
aside the order dated 28.02.2020 passed by learned Special
Judge SC/ST, Patna in connection with Gardanibagh P.S. Case
No. 2 of 2020, registered under Sections 448, 341, 323, 504,
379, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s),
3(2)(v)(a) of the SC/ST (Prevention of Atrocities) Act, by which
his prayer for anticipatory bail has been refused.

The informant alleged that on 31.12.2019 at 9.00 pm
in the night, Shyam Kumar, Sunil Kumar (appellant) and three
unknown persons (Aswarohi) came at her house and began to



abuse and threatened her. On protest, the accused persons also assaulted her by means of lathi on her wrist of left hand and also assaulted her family members.

It is submitted on behalf of the appellant that appellant is Constable in BMP. In fact, appellant is neighbour used to object nefarious activities of informant and her family members, due to that this false case has been lodged against the appellant. Appellant has got clean antecedent as stated in para 3 of the petition.

Considering aforesaid facts, this appeal is allowed. The impugned order dated 28.02.2020 passed by learned Special Judge SC/ST, Patna is set aside.

Let the appellant above-named, in the event of his arrest, 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 the learned Special Judge SC/ST Act, Patna, in connection with Gardanibagh P.S. Case No. 2 of 2020 (Special Case no. 14 of 2020).

(Prabhat Kumar Singh, J)

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