

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1972 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- SC/ST District- Rohtas

AMIT KUMAR PATEL Son of Subhash Choudhary Resident of Village -
Samahutta, Police Station - Sanjhauli, District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 29.08.2020 passed by learned 1st Additional District and Sessions Judge, Sasaram at Rohtas, in connection with Dehri SC/ST P.S. Case No. 46/2020 registered for the offences punishable under Sections 341/323/504/307/506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. Later on, Section 302 of the IPC was added, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 22.05.2020 all the FIR named accused persons including this appellant assaulted the



father of the informant as a result of which he died during the course of treatment.

It is submitted on behalf of the appellant that specific allegation of overt act is against co-accused Bimal Kant Singh who is specifically alleged to have assaulted father of the informant with *Lathi* causing injury on his head and is also supported by postmortem report and the cause of death has been opined to be head injury. It is further submitted that general and omnibus allegation has been levelled against this appellant. Appellant has got clean antecedents as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 29.08.2020 passed by 1st Additional District and Sessions Judge, Sasaram at Rohtas, in connection with Dehri SC/ST P.S. Case No. 46/2020, is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions



Judge, Sasaram at Rohtas in connection with Dehri SC/ST P.S.
Case No. 46/2020.

(Prabhat Kumar Singh, J)

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