

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4403 of 2019**

Arising Out of PS. Case No.-46 Year-2016 Thana- DURAULI District- Siwan

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SURAJ PRATAP SINGH @ SURAJ SINGH Son of Mahatam Singh Resident
of Village - Khap Punak, P.S.- Darauli, Distt - Siwan.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 06-01-2020 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seeks for setting aside the order dated 19.8.2019 passed in Darauli P.S.Case No.46 of 2016 for the offences punishable under Sections 143, 147, 148, 149, 151, 341,342, 323, 307, 332, 333, 337, 338, 188, 353, 427, 504, 506 & 120(B) of the Indian Penal Code and Section 3(i)(x) of SC/ST (POA)Act by the learned 1st Addl. Sessions Judge cum Special court, Siwan whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

As per FIR, it is alleged that one person died and the appellant and other accused persons created road blockade



and raised slogans against the police and damaged the property also and also abused the informant by caste name.

Submission of the learned counsel for the appellant is that no specific allegation has been attributed against the appellants and the allegations are general in nature and moreover there is nothing in the FIR as to how he came to know about the caste name of the informant and considering the same the other co-accused persons have been granted privilege of anticipatory bail, vide order dated 8.2.2019 passed in Cr. Appeal (SJ) No.177 of 2019, order dated 20.5.2019 passed in Cr. Appeal (SJ) No.938 of 2019 and order dated 31.1.2019 passed in Cr.Appeal (SJ) No.346 of 2019.

Heard learned Special P.P. also.

Having heard both sides and in view of submissions as discussed above, this appeal is allowed and the impugned order is set aside, let the appellant, above named, in the event of his arrest or surrender before the learned court below be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge SC/ST Act, Siwan in connection with Darauli P.S.Case No.46 of 2016 subject to condition as laid



down under Section 438 of Cr.P.C.

With the above direction, this appeal is allowed.

(Vinod Kumar Sinha, J)

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