

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4807 of 2019**

Arising Out of PS. Case No.-216 Year-2019 Thana- TAJPUR District- Samastipur

SANTOSH DAHA @ SANTOSH KUMAR Son of Vijay Daha Resident of
Village- Indrawara (Bazidpur Karnail), P.S.- Tajpur (Halai O.P.), District-
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-01-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 24.09.2019 passed by learned 1st Addl. Sessions Judge-cum- Special Judge, SC/ST Act, Samastipur in connection with Tajpur (Halai OP) P.S. Case No. 216 of 2019, registered under Sections 147, 148, 149, 341, 342, 323, 307, 353, 504 and 506 of the Indian Penal Code and Section 3(i)(r) (s), 3(2) (va) of the SC/ST Act.

Accusation is that due to death of a person, in road accident, a mob of 100-150 people blocked the road, when informant, being the A.S.I of Halai O.P. along with other Police personnel reached there to remove the blockage of the road then the mob started to abuse him denoting his caste and they also



confined him and other Police personnel.

Learned counsel appearing on behalf of appellant submits that there is general and omnibus allegation against the appellant and others. Further submission is that only allegation against the appellant is that at the time of occurrence, the appellant was instigating the members of the mob for overt act. The appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Samastipur in connection with Tajpur (Halai OP) P.S. Case No. 216 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 appeal is allowed.

(Rajendra Kumar Mishra, J)

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