

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4849 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- NAUBATPUR District- Patna

ARVIND SINGH @ ARBIND KUMAR SINGH Son of Late Bhaiya Lal
Singh Resident of Village- Danaganj, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dineshwar Mishra
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 22-05-2020 The present appeal has been filed under Section 14 A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the Act’), putting to challenge an order dated 16.10.2019 passed in Special Case No. 86 of 2019 arising out of Naubatpur P.S. Case No. 105 of 2019 by the learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna, disclosing offences punishable under Sections 447, 341,323,325,307,302/34 of the Indian Penal Code and Sections 3(i) (s) (v) of the Act. By the said order the petitioner’s application for grant of regular bail has been rejected.

2. It is the case of the prosecution that initially on 10.02.2019, when the informant’s deceased son was returning to



his house, the persons named in the First Information Report including the petitioner had surrounded him and abused him calling his caste-name. It is further alleged that on 12.02.2019, the accused persons assaulted the deceased son of the informant who sustain fracture injuries in his hand. The informant was also assaulted and he was referred to PMCH for treatment. At PMCH, on the basis of statement of the informant, Naubatpur P.S. Case No. 105 of 2019 was registered. The deceased was separately treated for the said fracture injuries in his hand. Subsequently, he died on 25.02.2019, based on which the present First Information Report came to be registered.

3. Learned counsel appearing on behalf of the appellant has submitted that for an occurrence said to have taken place on 12.02.2019, an FIR was already registered giving rise to Naubatpur P.S. Case No. 105 of 2019. He contends that lodging of the present Naubatpur P.S. Case No. 109 of 2019 after 13 days of the date of occurrence renders the entire case of the prosecution wholly doubtful.

4. He has submitted that the appellant has no criminal antecedent, except his alleged involvement in the said Naubatpur P.S. Case No. 105 of 2019.

5. Considering the facts and circumstances and the



submissions advanced on behalf the appellant and the learned Additional Public Prosecutor for the State, in my opinion, a case for grant of bail is made out.

The impugned order dated 16.10.2019 passed in Special Case No. 86 of 2019 arising out of Naubatpur P.S. Case no.105 of 2019 by the learned court below deserves interference. The impugned order is accordingly set aside.

The appeal is allowed.

Let the above-named appellant 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 Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna in Special Case No. 86 of 2019 arising out of Naubatpur P.S. Case No. 105 of 2019.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

