

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5767 of 2019

Arising Out of PS. Case No.-409 Year-2018 Thana- TAJPUR District- Samastipur

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Ramesh Prasad Singh S/o Late Nagendra Prasad Singh R/o village-
Karpurigram, P.S.- Samastipur (Mufassil), District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lakshmindra Kumar Yadav, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-10-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through video

conferencing.

The instant appeal has been preferred against the order dated 26.11.2019 passed in A.B.P. No. 2814 of 2019 by the learned 1st Additional Sessions Judge, Samastipur whereby the application for bail of the appellant was rejected. The appellant has been made accused in Tajpur P.S. Case No.409 of 2018 registered under section 307 and other sections of the Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per the allegation in the FIR, it is stated that in a dispute arising as a result of road accident, 100-120 persons gathered and the accused persons abused the informant in the



name of his caste. It is stated that the accused who abused the informant in the name of his caste was identified as Surendra Yadav.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. There is no allegation against the appellant under the SC and ST (Prevention of Atrocities) Act and he is stated to be one of the 100-120 persons who had gathered as a result of the road accident. The allegations are general and omnibus in nature and the victim had sustained simple injury. It is further submitted that the case of the appellant stands on a similar footing to that of the four other accused persons including Surendra Yadav who has been enlarged on bail vide order dated 8.7.2019 (Annexure-2) passed in Cr. Appeal (SJ) No.1933 of 2019.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R together with the grant of bail to the co-accused, the Court is inclined to allow the instant appeal.

The order dated 26.11.2019 passed in ABP No. 2814



of 2019 by the learned 1st Additional Sessions Judge, Samastipur is set aside.

The appeal is allowed.

The appellant in the event of his arrest or surrender within eight weeks, is directed to be enlarged on bail in connection with Tajpur P.S. Case No.409 of 2018, on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Samastipur.

(Partha Sarthy, J)

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