

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1072 of 2021**

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

KUNDAN SINGH @ KUNDAN KUMAR SINGH SON OF LATE  
KRISHNA MOHAN SINGH R/o village- Patkhauliya, P.S.- Motihari  
Muffasil, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Umesh Chandra Verma  
For the Respondent/s : Mrs. Usha Kumari-1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      08-12-2021                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 20.10.2020 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in connection with Sugauli P.S. Case No. 115 of 2019 registered under Sections 307 & 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The allegation against the appellant is that he along with other co-accused is said to have shot dead informant's husband. They also slated by taking their caste name.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior and oblique motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Jhunnu Singh has been enlarged on anticipatory bail vide order dated 16.07.2021 passed in Cr. Appeal (SJ) No.1366 of 2021. Appellant has no criminal antecedent.

Learned Special PP for the State opposing the prayer for bail submitted that there is specific allegation against the appellant that he has abused the deceased by taking his caste name in the public view, hence he does not deserve anticipatory bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for anticipatory bail is hereby rejected.

However, the appellant is directed to surrender



before the learned Court below within four weeks and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

Accordingly, this appeal is dismissed.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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