

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1430 of 2021**

Arising Out of PS. Case No.-507 Year-2020 Thana- GARKHA District- Saran

Mukesh Kumar @ Mukesh Singh Son Of Shrawan Singh R/O Village-
Kashina, P.S.- Garkha, Dist.- Saran At Chapra

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nawal Kishore Singh, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellant in connection with Garkha P.S. case No.507 of 2020 registered for the offences under Sections 341, 323, 324, 504 of the Indian Penal Code and Sections 3(i)(r)(w) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the appellant and co-accused Roshan Singh came in drunken state and caught hold of the hands of the informant. On hulla, when her family members came and saw that co-accused Golu Singh, Aman



Singh, Ritik Singh and 3-4 unknown persons came at the door of the informant and abused her by taking her caste name. On protest, co-accused Roshan Singh gave rod blow on the head of Pramod Ram, due to which he sustained head injury, co-accused Aman Singh gave lathi blow on the head of Mohan Ram, who sustained injury on his head and Golu Singh gave rod blow on Jitendar Ram and Nagendar Ram, who also sustained injuries and the accused persons also misbehaved with Chandrawati Devi and Sanju Devi

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. There is no allegation of assault against the appellants. General and omnibus allegation has been made. No specific overt act is alleged against the appellant. Specific allegation of assault is against the co-accused, namely, Raushan Singh, Aman Singh and Golu Singh. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.



In view of the aforesaid facts and circumstances, the order dated 22.12.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra vide A.B.P. No.2905 of 2020 in connection with Garkha P.S. case No.507 of 2020, is set aside. The criminal appeal is allowed.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Garkha P.S. case No.507 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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