

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1770 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- PATORI District- Samastipur

SHEKHAR SINGH Son of Jay Kumar Singh Resident of Village - Rajpur,
Jaunapur Mohanpur, Police Station - Shahpur Patori, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh- Advocate
For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 12-08-2021

I. A. No.01 of 2021

For the reasons stated in the application, the delay
is condoned.

The application is allowed.

CRIMINAL APPEAL (SJ) No.1770 of 2021

Heard Mr. Pramod Kumar Singh, the learned
Advocate for the appellant and Mr. Sadanand Paswan, the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
16.10.2020 passed by the learned 1st Additional Sessions
Judge, Samastipur in connection with Shahpur Patori P. S.
Case No.229 of 2020, instituted for the offences under
Sections 341, 323, 379, 504, 506, 34 of the Indian Penal
Code and Section 3(1)(r), 3(1)(s) of the Scheduled Castes &



Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that on the asking of the appellant and another, two miscreants had come to the village and had abducted the informant. They had taken him to a particular place in the village and started assaulting him. With the intervention of the local passers-by, he could be saved.

It has further been alleged that because of an earlier incident for which a case had been lodged, the present occurrence has taken place at the instance of the appellant and another.

The learned Advocate for the appellant has submitted that in the earlier case, about which reference has been made in the F.I.R., the appellant was not even an accused in that case. He has only been made accused in this case because of his association with one Shambhu Singh, who had some litigation with the informant in the past. The accusation involving the breach of SC/ST (P.O.A.) Act do not make out a case against the appellant.

For the reasons afore-stated, the order dated



16.10.2020 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with Shahpur Patori P. S. Case No.229 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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