

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2608 of 2021**

Arising Out of PS. Case No.-119 Year-2009 Thana- KOCHAS District- Rohtas

SATYAJEET SINGH SON OF SRI SHALIGRAM SINGH R/O VILLAGE-
PANARI,P.S.- BELA, DISTRICT- GAYA AT PRESENT C/O NARAYAN
SINGH, R/O VILLAGE- KOCHAS BESIDE OF MAHESH CINEMA
HALL, P.S.- KOCHAS, DISTRICT- ROHTAS.

... .. Appellant/s

Versus

1. The State of Bihar
2. KANCHAN DEVI WIFE OF SATYAJEET SINGH R/O VILLAGE AND
P.O.- JAMROAD, P.S.- DINARA, DISTRICT- ROHTAS.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-09-2021 Heard learned counsel for the appellant and the State
through virtual mode.

In the light of the order dated 08-03-2021 passed by the
Supreme Court in SUO MOTU WRIT PETITION (Civil) No. 03 of
2020, the delay in filing the present appeal is condoned.

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

The appellant has challenged the order dated 09-01-2021
passed by learned Ist Additional District & Sessions Judge-cum-
Executive Special Judge, SC/ST Act, Rohtas at Sasaram in
connection with Kochas P.S. Case No. 119 of 2009 & Regd. No. 120
of 2017 registered for the offences under Sections-323, 504, 498A of



the Indian Penal Code and Section-3/4 of SC & ST (Prevention of Atrocities) Act, 2016 whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that the appellant who is said to the husband of the informant, started to torture her (the informant) and also, solemnized second marriage with another lady.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to petty family dispute. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 09-01-2021 passed by learned Ist Additional District & Sessions Judge-cum-Executive Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Kochas P.S. Case No. 119 of 2009 & Regd. No. 120 of 2017 by which the anticipatory bail of the appellant was rejected.

Accordingly, the order dated 09-01-2021 passed by learned Ist Additional District & Sessions Judge-cum-Executive Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Kochas P.S. Case



No. 119 of 2009 & Regd. No. 120 of 2017 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, above named, in the event of arrest/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 Ist Additional District & Sessions Judge-cum-Executive Special Judge, SC/ST Act, Rohtas at Sasaram in Kochas P.S. Case No. 119 of 2009 & Regd. No. 120 of 2017.

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)

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