

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2104 of 2020

Arising Out of PS. Case No.-71 Year-2019 Thana- SC/ST District- Rohtas

PRABHUNATH SINGH, Male, aged about 30 years, son of late Lakshman Singh, resident of Village- Mohalla Takiya, P.S.- Sasaram Nagar, District- Rohtas.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 15-03-2021 Heard learned counsel for the appellant and learned
Spl.P.P. 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 referred to as the “SC/ST Act”) against the order dated 22.02.2020 passed by the learned 1st Additional District & Sessions Judge, Rohtas at Sasaram, in connection with S.C./S.T. (Dehri) P.S. Case No.71 of 2019, registered for the offence under Sections 147, 148, 149, 307, 386, 448 and 354 of the Indian Penal Code, under Sections 3(i) (v)(x)(r)(s)w(ii) of the SC/ST Act and under Section 27 of the Arms Act, by which the Court below has rejected the prayer for anticipatory bail of the appellant.



Allegation has been made that the appellant along with other unknown persons came and started abusing the informant and they also demanded extortion money from the informant. It has further been alleged that Khata No. 26, Plot No. 75, total area 2.50 acres, has been settled in favour of the husband of the informant and on the said land, the appellant contemplated to construct a house but, the same was objected by the appellant.

Learned counsel for the appellant has brought on record the judgment and decree passed in Title Suit No. 511 of 2004, which reflects that the land, in question, has been declared in favour of the appellant. Further, there is an unexplained delay of 11 months in lodging the F.I.R.

Looking to the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions, Rohtas at Sasaram, in connection with S.C./S.T. (Dehri) P.S. Case No. 71 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to



further conditions that the appellant shall fully cooperate with the investigation/trial of the case, failing which, the prosecution will be at liberty to make prayer for cancellation of the bail bonds of the appellant.

Accordingly, the impugned order dated 22.02.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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