

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2159 of 2020**

Arising Out of PS. Case No.-230 Year-2018 Thana- OBRA District- Aurangabad

AKHILESH SHARMA @ AKHLESH SINGH, aged about 54 years, son of late Bhikhar Singh, resident of Village- Basgarh Manora, P.S.- Obra, District- Aurangabad.

... .. Appellant

Versus

The State of Bihar.

... .. Respondents

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER**

2 26-02-2021 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 16.09.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Obra P.S. Case No.230 of 2018, registered for the offence under Sections 147, 148, 149, 323, 307, 504 and 506 of the Indian Penal Code, under Section 27 of the Arms Act and under Sections 3(i)(r)/3(1)(s), 3(2)(va) of the SC/ST Act, by which the Court below has rejected the prayer for anticipatory bail of the appellant.



As per the F.I.R. on 20.10.2018 in the evening at about 5:00 P.M. when Girjesh Kumar, resident of Mohalla of the informant, was going to attend the call of nature, the accused- Vibhuti Narayan Sharma asked him as to where he is going, upon which, he replied that he is going to attend the call of nature. Thereafter, accused - Vibhuti Narayan Sharma started abusing him by taking his caste name and also assaulted him. When the informant went to rescue him, he was also beaten by accused - Vibhuti Narayan Sharma. Thereafter, other accused persons came there holding different weapons, however, the informant and Girjesh Kumar somehow managed to flee away. It has also been alleged that accused - Vibhuti Narayan Sharma entered to the house of the informant and assaulted the informant and accused - Haresh Sharma, who was also present there made firing.

Learned counsel for the appellant submits that 24 persons have been named in the F.I.R. but, the appellant is not named in the F.I.R. He further submits that specific allegation has been made against accused Vibhuti Narayan Sharma and Haresh Sharma and there is no allegation at all against this appellant.



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 Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Obra P.S. Case No.230 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellant and (ii) the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellant.

Accordingly, the impugned order dated 16.09.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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