

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.12 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- RAMNAGAR District- West Champaran

Chetan Singh S/o Utam Singh @ Uttamhari Singh Resident of Village- Nepali
Tola, P.S.- Ramnagar, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Binay Krishan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 17.9.2020 passed by the learned 1st Additional District and Sessions Judge – cum - Special Judge, SC/ST, Bettiah, West Champaran whereby the prayer for bail of the appellant in connection with Ramnagar P.S. Case No. 95 of 2020 registered under sections 341, 342, 504, 506 and 34 of the Indian Penal Code and section 3(1)(r) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R. it is stated by the informant that he was abused in the name of caste by the accused Sunny Singh who had come with 2-3 other persons in an intoxicated condition.



It is submitted by learned counsel for the appellant that the appellant, in spite of being known to the informant was not named in the F.I.R. His name transpired in course of investigation in the statement of the informant wherein he stated that the appellant had also abused him and had instigated that the informant should be beaten up. It is submitted that no explanation has been given as to why the appellant was not named in the F.I.R. The appellant is in custody since 3.6.2020 and charge sheet has been submitted in the case.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the period in custody, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 17.9.2020 passed by the learned 1st Additional District and Sessions Judge – cum -Special Judge, SC/ST, Bettiah, West Champaran, is set aside.

The appellant is directed to be enlarged on bail in connection with Ramnagar P.S. Case No. 95 of 2020 (SC/ST Case no.93 of 2020) on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and



Sessions Judge – cum - Special Judge (SC/ST), Bettiah, West
Champaran.

(Partha Sarthy, J)

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