

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.794 of 2021

Arising Out of PS. Case No.-150 Year-2018 Thana- PANCHRUKHI District- Siwan

=====

Rakesh Singh @ Rakesh Kumar Singh, aged about 40 years, male, Son of Rameshwar Singh, Resident of Village- Sahlaur, P.S.- Pachrukhi (Sarai O.P.), District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh, Adv.

For the Respondent/s : Mr. Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Bijay Prakash Singh, the learned Advocate for the appellant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 06.10.2020 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 150 of 2018, instituted for the offences under Sections 147, 148, 149, 323, 341, 342, 333, 353 and 307 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989,



whereby his prayer for grant of anticipatory bail has been rejected.

The appellant and about sixty others are alleged to have confronted the police party and also abused the informant (police officer) after seeing his name plate and finding that he belongs to a lower caste.

The learned counsel for the appellants has submitted that he has been falsely implicated in this case with a purpose. The appellant is not named in the F.I.R. In fact, the appellant and another had brought one Chandan Kumar and Niraj Kumar, who had been injured in a road accident, to hospital where the Doctor declared them dead. The father of one of the dead persons had filed a case against the police officers but only to save their skin, the police party has lodged this case in which the appellant has also been made accused.

It has further been submitted that there is no specific allegation against him and the appeal of some of the similarly situated accused persons have been allowed by a different Bench of this Court.



Regard being had to the aforesaid submissions, the order dated 06.10.2020, referred to above, is set-aside.

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 Addl. Sessions Judge-Cum-Special Judge, Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 150 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

