

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3899 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- KARAMCHAT District- Kaimur (Bhabua)

SONU SINGH Son of Sugun Singh @ Nagendra Pratap Singh Residento of
Village - Sabar, P.s.- Karamchat, Distt.- Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subhash Kumar Jha
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.Ashok Kumar Garg

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2021 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellant is directed to remove
the defects pointed out by the office within four weeks. In the
eventuality of non-removal of defects within stipulated period,
office will place the matter before the Bench.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for bail vide order dated 09.04.2021,
passed by learned Additional District and Sessions Judge-I-cum-
Special Judge, Kaimur at Bhabhua, in connection with



Karamchat P.S. Case No.57 of 2020 (SC/ST-134/2020), registered under sections 302, 406, 420, 120(B) of the IPC, section 27 of the Arms Act and section 3(i)(r)(s) of SC and ST Act, 1989.

The crux of the prosecution case is that the son of the informant has been killed by the FIR named accused persons. Allegation against the appellant is that when the informant went to the door of the co-accused house to get the dead body of her son, this appellant pushed her.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He has been falsely implicated in this case for the reason that he was friendly with the accused persons. The only allegation against the appellant is that he pushed the informant. There is no specific overt act of assault or abuse against the appellant. The allegation is general and omnibus in nature. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. Therefore, no case under the SC/ST Act is made out against the appellant. The appellant has been languishing in custody since 21.10.2020 and has one criminal antecedent, which is also mentioned in para-3 of the



memo of appeal.

Learned Spl. PP for the State as well as the counsel for the informant opposed the prayer for bail and submits that the appellant is the named accused in the present case.

Since, no allegation of abusing the informant or her family member is attributed upon the appellant, I am inclined to grant bail to the appellant.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, Kaimur at Bhabhua, in connection with Karamchat P.S. Case No.57 of 2020 (SC/ST-134/2020).

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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