

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.95 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- DARIHAT District- Rohtas

TONI SINGH @ BIKKI VIKAS SON OF ANIL SINGH RESIDENT OF
VILLAGE- BARKI BHARKURIA, P.S- DARIHAT. DISTRICT- ROHTAS
(SASARAM)

... .. Appellant/s

Versus

The State of Bihar

.. ... Respondent/s

Appearance :

For the Appellant/s : Mr.Chhotelal Mishra

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellant.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 24.09.2020,
passed by the learned 1st Additional District and Sessions Judge,
Sasaram, Rohtas in connection with Darihat P.S.Case No. 54 of
2020 (Regd. No.121/2020), registered for the offences
punishable under Sections 147, 148, 149, 323, 324, 307, 504,
120(B) of the Indian Penal Code and Sections 3(i)(r) (s) of SC
& ST (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of the appellant has been rejected.

As per the allegation, when the informant along with his brothers were sitting in front of his house, Ashutosh Saurabh @ Banti after taking meal was going to sleep in his newly-constructed house, the appellant inflicted satirical and filthy remarks on way to his house and on protest he assaulted and abused Ashutosh Singh. It has been further alleged that all the five accused persons surrounded the informant and abused him by calling his caste name. It has next been alleged that co-accused Inku Singh @ Ujjawal inflicted knife blows on the person of the informant.

Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case.

From the perusal of the FIR, it transpires that not only the informant but one Ashutosh Singh was also assaulted, who does not belong to SC community. As such, it appears the occurrence did not take place due to malicious feelings of caste. The allegation of assaulting the informant by a knife is not against the present appellant, rather it is against co-accused Inku Singh @ Ujjawal.

Considering the facts and circumstances, the appeal



is allowed and the impugned order dated 24.09.2020, passed by the learned 1st Addl. District and Sessions, Sasaram, Rohtas, is set aside.

Let the appellant above-named, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Sasaram, Rohtas, in connection Sasaram in connection with Darihat P.S.Case No.54 of 2020 (Regd. No.121/2020).

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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