

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.870 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- MADANPUR District- Aurangabad

Raushan Kumar Singh @ Roshan Kumar Singh @ Raushan Singh (M), aged about 32 years, S/O Ajay Singh, R/O Village-Bela, P.S-Madanpur, District-Aurangabad.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant : Mr.Ashok Kumar Singh, Advocate.
For the Respondent : Mr. Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 26-05-2021 Heard learned counsel for the appellant and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, learned counsel for the appellant is permitted to make necessary correction by adding the father's name of the appellant in party position of the present criminal appeal within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellant in A.B.P. No. 953/2020, arising out of Madanpur P.S. Case No. 47/2020, registered for the offences under Sections 147, 148, 149, 341, 323, 504, 325, 506, 307, 427 of the I.P.C.



and 3(i)(r), 3(1)(s) and 3(2) of the SC/ST Act.

The prosecution case, in short, is that on 12.03.2020, when the informant was sitting in his house then the appellant and other co-accused persons came to his door and told him to come out while abusing. When he did not open the door, then the appellant and other co-accused persons broke the door and entered the house and assaulted him and his wife with Lathi and Swords and abused with a lot of caste related words and also threatened them to kill.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the appellant's side has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the



order dated 15.10.2020, passed in A.B.P. No. 953/2020, arising out of Madanpur P.S. Case No. 47/2020 by learned Ist Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, is set aside. The criminal appeal is allowed.

Let the appellant above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Ist Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Madanpur P.S. Case No. 47/2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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