

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1167 of 2022

Arising Out of PS. Case No.-442 Year-2021 Thana- DARIYAPUR District- Saran

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Rajnath Singh @ Raju Singh Son of Late Sundar Singh Resident of Village -
Srinagar Matihan, Police Station - Dariyapur, District - Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rampati Kunwar Wife of Late Sahbir Majhi Resident of Village - Srinagar
Matihan, Police Station - Dariyapur, District - Saran (Chapra).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appellant has challenged the order dated
02.03.2022 passed by the learned 3rd Additional District and
Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra
in connection with Dariyapur P.S. Case No. 442 of 2021
instituted for the offences punishable under Sections 341, 323,
379, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)
of the SC & ST (Prevention of Atrocities) Act, whereby his
prayer for being released on anticipatory bail has been rejected.

It is a case of assaulting to the informant and taken
away the mobile from the son of the informant and abusing by
calling caste name.

It is submitted by learned counsel for the appellant



that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellants. As per F.I.R, the occurrence has not committed in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 02.03.2022 passed by the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 234 of 2022 arising out of Dariyapur P.S. Case No. 442 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named are directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Dariyapur P.S. Case No. 442 of 2021.

(Sunil Kumar Panwar, J)

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