

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1268 of 2022**

Arising Out of PS. Case No.-202 Year-2020 Thana- NOKHA District- Rohtas

Shivam Singh @ Shivam Kumar Singh, S/O Raj Kumar Singh Resident Of
Village- Hathini, P.S.- Nokha, District- Rohtas, Bihar.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yogendra Kumar Singh
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 14-12-2022 Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 03.11.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Nokha P. S. Case No.202 of 2020, instituted for the offences under Sections 341, 323, 504, 506/ 34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that Chhotu Kumar Singh and Raju Singh



assaulted him causing injury on head and reason for the occurrence was that the informant refused to disclose whom he will vote.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that even allegation of assault is general and omnibus in nature. It is further submitted that from perusal of the F.I.R., it would manifest that the same is based on a written application of the informant. Hence, it is submitted that if what has been alleged is true, then definitely the informant would have gone to the hospital for treatment and his fard-bayan would have been recorded there. It is also submitted that the appellant has been falsely implicated as he was not supporting the candidate whom the informant was supporting in the election.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 03.11.2021 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a



period of six 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 Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Nokha P. S. Case No.202 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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