

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1328 of 2022**

Arising Out of PS. Case No.-16 Year-2018 Thana- SC/ST District- Sitamarhi

Pradeep Singh, Son Of Late Jagarnath Singh Resident Of Sekhoni, P.S.-
Barganiya, District - Sitamarhi.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanju Singh- Advocate

For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

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

2 14-09-2022 Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 23.03.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with SC/ST P. S. Case No.16 of 2018, instituted for the offences under Sections 147, 341, 323, 324, 307, 354, 452, 504 and 506 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that 08.08.2017 in the evening while he



was talking to his brother Arjun Paswan, all the five named accused persons including the appellant came armed with lathi, danda, iron rod, knife and started abusing him by taking caste name on which, the informant protested. Thereafter, it is alleged that he was assaulted by knife causing injury on his neck and his family members including the wife and mother came to save him when the modesty of his wife was outraged by pulling her sari and tearing her blouse.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that the date of occurrence is 08.08.2017 and the complaint case came to be instituted on 11.08.2017 i.e. after delay of three days without any plausible explanation which further goes to demonstrate that by way of after thought, the case was instituted to implicate the appellant falsely. The learned counsel next submits that from perusal of the allegation as alleged in the F.I.R., The learned counsel submits that the present F.I.R. arises out of a complaint. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation has been alleged against the appellant.



Regard being had to the aforesaid submissions,
the order dated 23.03.2022 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 eight 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 SC/ST (POA) Act, Sitamarhi in connection with SC/ST P. S. Case No.16 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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