

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1357 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- BAHADURPUR District- Darbhanga

Abay Singh Son Of Niranjan Singh Resident of Village- Thothopur, P.S.-
Baheri, District- Darbhanga, At present resident of Basera Colony,
Laheriasarai, District- Darbhanga.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratanakar Jha, Advocate
For the Informant : Mr. Kusum Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellant as well as

learned counsel for the informant and learned counsel for the

State.

The present appeal under Section 14(a) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter referred to as the SC/ST Act)
preferred against the order dated 05.04.2020 passed by the
learned 3rd Additional Sessions Judge cum Exclusive Special
Judge SC/ST (POA) Act, Darbhanga in connection with
SC/ST. GR Case No. 20 of 2021 arising out of Bahadurpur
P.S.Case No. 30 of 2021, instituted for the offence under
Sections 341, 323, 324, 506, 148, 149 of the Indian Penal Code
and section 27 of the Arms Act and section 3(i)(r) / 3(i)(s) of



SC/ST Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that few persons including the appellant in drunken condition demanded Rangadari from the informant and further entered into the house of the informant and also abused by taking his caste name.

Learned counsel on behalf of the appellant submits that there is specific allegation against Anil Singh and omnibus allegation has been levelled against others. It is further submitted that other co-accused persons having identical allegation have been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 3055 of 2021 vide order dated 21.10.2021, the copy of which has been annexed as Annexure-3 to this application. It is next submitted that there is counter version of the present case ie. Bhadurpur P.S. Case No. 31 of 2021 as contained in Annexure-2 to the application.

On the other hand, learned counsel for the informant submits that in fact there was misunderstanding between the parties which resulted into lodging of the FIR from both the sides and they do not want to proceed further in this matter.

Considering the submission made on behalf of the



appellant and taking into consideration the nature of allegation, apart from the fact that other co-accused having identical allegation have been granted bail and the appellant is in custody since 02.02.2022, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge- cum- Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with Bahadurpur P.S.Case No. 30 of 2021.

Accordingly, the impugned order dated 05.04.2022 is set aside and the present appeal is hereby allowed.

(Harish Kumar, J)

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