

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1454 of 2022**

Arising Out of PS. Case No.-366 Year-2021 Thana- MAHNAR District- Vaishali

AAKASH KUMAR SINGH @ AKASH SINGH @ HANSRAJ S/o Late
Mahendra Singh R/o Village- Chamarhara, P.S.- Mahnar, District- Vaishali.
... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Paswan Assistant police Inspector Mahnar P.S.-
Vaishali, District- Vaishali. Bihar
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rana Vikram Singh, Advocate
Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 07-12-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State. This is second consecutive date, when
nobody appears on behalf of respondent no. 2.

The present appeal has been filed against order dated
02.04.2022 passed by learned Special Judge, SC/ST, Vaishali at
Hajipur in Mahnar P.S. Case No. 366 of 2021 registered for
the offence punishable under Sections 147, 148, 149, 333, 143,
353, 188, 323, 324 of the Indian Penal Code and Section 3(1)(r)
(s) of the Scheduled Castes and the Scheduled Tribes (POA) Act
(for short “SC/ST Act”), whereby the prayer for anticipatory
bail of appellant was rejected.

As per prosecution case, this appellant alongwith
other F.I.R. named accused persons alongwith 40-50 persons
were using abusive language against administration and when



the informant tried to pacify the matter, in the meantime, some anti-social elements started pelting stones, bricks on the police force, damaged the vehicles and abused by caste name.

Learned counsel for the appellant submits that there is general and omnibus allegation and no specific allegation of overt act has been alleged against this appellant. From perusal of F.I.R., it is apparent that there is no specific allegation against this appellant of abuse by caste name. The appellant has got clean antecedent.

Learned Special P.P. vehemently opposed the prayer for bail of appellant.

Considering the aforesaid facts and circumstances, the impugned order dated 02.04.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 366 of 2021.

(Prabhat Kumar Singh, J)

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