

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3244 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- BAHADURPUR District- Darbhanga

MANISH SINGH S/o Late Rabindra Singh R/o Village- Ojhaul, P.S.-
Bahadurpur, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State, though the vakalatnama has been filed on behalf of the informant but none is present on his behalf.

Learned counsel for the appellant undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.06.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in



connection with Bahadurpur P.S. Case No. 29 of 2021 registered under Sections 323, 324, 341, 341, 307, 147, 148, 149, 504, 506 & 436 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant at his shop, all the accused persons named in the F.I.R. including this appellant and 10-15 other persons are said to have abused him by saying the caste name. When the informant protested them, co-accused Anil Singh and others sprinkled petrol and set ablaze his shop.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case as he belongs to same caste of co-accused Anil Singh. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The specific allegation is against co-accused Kundan Singh and Anil Singh. Neither the informant nor the other injured were examined by doctors and there is no injury report which is demonstrative of falsity of the allegation.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Bahadurpur P.S. Case No.29 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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