

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3320 of 2021

Arising Out of PS. Case No.-270 Year-2019 Thana- HASANPUR District- Samastipur

CHHOTU SINGH @ SASHIKESH ANAND Son of Sambhu Singh Resident
of Village- Hasanpur, P.S.- Hasanpur, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar Raushan Son of- Maheshwar Chaupal R/o- Navtolia, Atapur,
Hasanpur,P.S.- Hasanpur, Dist.- Samastipur, State- Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Om Prakash Prasad Mr.Rajnish Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-03-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State. Though vakalatnama has been filed on
behalf of the respondent no.2 but when the case is called out,
nobody appears on behalf of the respondent no.2.

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

This is an appeal under section 14A of the Schedule Caste
and Schedule Tribes (Prevention of Atrocities) Act 1989, against
the refusal of prayer for bail vide order dated 07.06.2021,
passed by learned Special Judge- SC/ST Act, Samastipur, in



connection with Hasanpur P.S. Case No.270 of 2019, registered under sections 147, 307, 323, 325, 341, 379, 427, 448, 504, 506 of the IPC, section 27 of the Arms Act and sections 3(1),(r),(s) / 3 (2) (va) of the SC/ST Act.

The allegation upon the appellant is that he being the member of the mob entered into the house of the informant, using abusive language and beaten the domestic animals, vandalized his house, tractor and motorcycle.

It is submitted by learned counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to previous dispute. There is general and omnibus allegation against the appellant and the specific allegation of firing is against Jivan Singh and Rishikesh Singh, however, the said Rishikesh Singh has been granted anticipatory bail vide order dated 12.01.2021 in Cr. Appeal No.1618/2020 (S.J.) by a co-ordinate Bench of this Court. One of the co-accused Rohit Singh has been granted bail by this Court vide order dated 27.11.2020 passed in Cr. Appeal No.1689 of 2020 (S.J.). The appellant has three criminal antecedent and has been languishing in custody since 25.05.2021.

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



In the facts and circumstance of the case, considering the custody undergone and that the similarly situated several co-accused have been granted bail, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge- SC/ST Act, Samastipur, in connection with Hasanpur P.S. Case No.270 of 2019.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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