

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3305 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- DARAUNDA District- Siwan

AKHILESH SINGH @ BAGA SINGH Son of Channu Singh Resident of
Village - Pinarthu Kala, P.S.- Darundha, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ishwar Kumar Harilal Ram Resident of village- Pinarthu Kalan, P.S.-
Daraundha, Distric- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Nikesh, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 02-08-2022 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State. Although

Vakalatnama has been filed on behalf of respondent no.2, which

is on record, but none is present on his behalf.

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 14.10.2020 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Siwan in
connection with Daraunda P.S. Case No. 190 of 2020 registered
under Sections 341, 323, 324 & 504/34 of the Indian Penal



Code, Section 27 of the Arms Act and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against this appellant is that he assaulted the informant by means of knife and injured him.

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 due to personal vengeance. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the near the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is delay of about five days in lodging the F.I.R. without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

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), Siwan in connection with Daraunda P.S. Case No.190 of 2020, 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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