

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4133 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

SANTOSH SINGH Son of Jagdish Singh Resident of Village - Ramgarha,
P.S.- Avatar nagar, Distt.- Saran at Chhapara.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar son of Awdhesh Manjhi resident of village- Ramgarha, P.S.-
Awtarnagar, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Baxi S.R.P. Sinha, Senior Advocate Mr.Giridhar Gopal Tiwary, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Ravi Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-03-2022 Heard learned counsels for the parties.

Learned senior counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court functioning. 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 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 01.09.2021, passed by learned Additional Sessions Judge- I -cum- Special Judge, SC/ST (POA) Act, Saran at Chhapra, in connection with Awtar



Nagar P.S. Case No.206 of 2020, registered under sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 120B, 504, 506 of IPC and section 3(1)(S)(R), 3(2)(Va) of SC/ST Act.

The prosecution case in brief, is that the appellant along with others abused and assaulted the informant with an intention to kill them, due to which they sustained injuries.

It is submitted by learned Senior Counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to enmity. There is a case and counter-case between the parties for the alleged occurrence and in fact this case is the counter-blast of Avatar Nagar P.S. Case No.205 of 2020. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view and the same is said to have taken place in the house of the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has no criminal antecedent and has been languishing in custody since 18.07.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstance of the case, since there is no



specific allegation attributed upon the appellant, as such, 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 Additional Sessions Judge- I -cum- Special Judge, SC/ST (POA) Act, Saran at Chhapra, in connection with Awtar Nagar P.S. Case No.206 of 2020.

Impugned order is set aside and accordingly, the appeal is allowed.

(Anjani Kumar Sharan, J)

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