

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4186 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- BARH District- Patna

=====
KANHAYA KUMAR Son of Shivnandan Singh Resident of Village -
Madatpur, P.S. - N.T.P.C., Barh, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====
Appearance :

For the Appellant/s : Mr.Suraj Kumar

For the Respondent/s : Mr.Spl. P.P.

=====
CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 17.07.2021 passed by learned Additional District Judge 3rd-cum-Special Judge SC/ST (POA) Act, Patna in ABP No. 4347 of 2021 whereby the prayer for bail of the appellant in connection with Barh P.S. Case no. 104 of 2020 under Sections 147, 148, 149, 152, 189, 332, 341, 342, 232, 325, 307, 337, 353, 427, 435, 431, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, informant is an A.S.I and during day patrolling, appellant along with other co-accused persons have created hindrance by blocking the road in



discharging the official duty.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is no eye witness of the alleged occurrence. On the ground of video footage, with the help of chaukidar, informant identified 19 persons with their names and lodged the case. Appellant is a teacher in Mentor Class, Barh. He has not taken the casts name of the informant in public view. He has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 17.07.2021 passed in A.B.P. No. 4347 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Barh P.S. Case No. 104 of 2020 in the event of arrest or surrender before the court below within a period of four



weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge 3rd-cum-Special Judge SC/ST (POA), Patna.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

