

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.979 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- KESARIA District- East Champaran

Umesh Singh Son of Fulgen Singh R/V- Sisahani, Ward No.-14, P.S.-
Pakridayal, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 13.12.2022 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Kesariya P.S. Case No. 234 of 2022 under Sections 395, 397, 328 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, on the alleged date and time of occurrence, the informant after loading Iron rod (*Sariya*) on truck bearing Registration No. HR38L-0411 from Neelkamal Iron Factory, Deedarganj, Sabalpur, Patna proceeded to



Bettiah, on the way, 10 miscreants got down from a Scorpio stopped the informant and out of them 05 miscreants entered into the cabin and took out key of the said truck and assaulted him and the Cleaner. The accused persons also snatched away mobile and cash of Rs. 14,000/-.

It is submitted on behalf of the appellant is not named in the FIR and his name transpired in this case on the basis of confessional statement of co-accused Pyare Khan. As a matter of fact appellant is businessman and used to sell the construction materials including iron rod, cement etc. The said truck was standing on the road in front of the godown of appellant and the police with ulterior motive showed the said recovery from the godown of appellant only with a view of harass him. No case under SC/ST Act is made out, as the appellant also belongs to SC Caste. Appellant has got clean antecedent.

Counsel for State however vehemently opposed the prayer for bail and submitted that stolen article has been recovered from possession of this appellant.

Considering the aforesaid facts, this criminal appeal stands dismissed.

(Prabhat Kumar Singh, J)

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