

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1355 of 2022**

Arising Out of PS. Case No.-431 Year-2021 Thana- CHAPRA TOWN District- Saran

Ashish Kumar Singh @ Ashish Singh Son Of Anjani Kumar Singh @ Anjani Singh R/O Village- Dahiawan Tari, P.S.- Chapra Muffasil, District- Saran At Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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

8 11-05-2023 Heard learned counsel for the appellant and learned Special P.P for the State. None appears on behalf of the informant.

The appellant has challenged the order dated 27.10.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 431 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 323, 504, 506, 379 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act whereby his prayer for being released on bail has



been rejected.

It is alleged against the appellant and other F.I.R named accused persons that they assaulted and abused the informant by calling his caste name and also snatched gold chain and cash of Rs. 1,65,000/-.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is counter version of the occurrence also and appellant's side also sustained injuries. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 09.08.2021.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 27.10.2021.



Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 431 of 2021.

(Sunil Kumar Panwar, J)

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