

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3208 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- SASARAM MUFFASIL District- Rohtas

Surendra Singh @ Surendra Yadav Son Of Hira Yadav Resident Of Village - Dhankadha, Police Station - Sasaram (Muffasil), District - Rohtas At Sasaram.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pratima Devi Wife of Late Vakil Ram Resident of Village - Dhankadha, Police Station - Sasaram (Muffasil), District - Rohtas at Sasaram.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 17.08.2022 passed by learned Additional District & Sessions Judge-XVII-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 155 of 2022 instituted for the offences punishable under Sections 147, 148, 149, 302, 323, 504, 506, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the



SC & ST (Prevention of Atrocities) Act, whereby his prayer for being released on bail has been rejected.

The accusations are of making assault, shot fire and abusing by calling caste name, as a result of which the informant and others sustained injuries and husband of the informant succumbed to the injuries due to gunshot firing.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific accusation of shot fire to the deceased is against co-accused Anil Singh Yadav. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. The appellant is languishing in custody since 10.04.2022. A statement has been made in para 3 of the petition that appellant is accused in one other case apart from the present one.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 17.08.2022 passed by learned Additional District & Sessions Judge-XVII-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 155 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVII-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 155 of 2022.

(Sunil Kumar Panwar, J)

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