

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3689 of 2022**

Arising Out of PS. Case No.-712 Year-2021 Thana- KAHALGAON District- Bhagalpur

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ASHUTOSH ANAND @ ROCKY SINGH @ ROCKY @ ROCKY KUMAR
S/O Jay Prakash Singh @ Munna @ Munna Singh R/O Village Bhulla Sujan,
P.S- Kahalgaon, Distt- Bhagalpur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Baijnath Tanti, s/o late Bauli Tanti Vill and P.O.Dhanokhar, P.S.Dhanokhar,
Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jitendra Kumar Giri
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 28-03-2023 Heard the learned counsel for the parties.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 10.02.2022 in
connection with Spl.SC/ST Case No. 168 of 2021, arising out
of Kahalgaon P.S.Case No. 712 of 2021, registered for the
offences punishable under Section 302/34 of the Indian Penal
Code and Section 3(i)(s) of the SC and ST (Prevention of
Atrocities) Act, whereby the prayer for bail of the appellant has



been rejected.

As per allegation, the son of the informant, along with his friends, had gone to see an orchestra party in a nearby village. Five accused persons including the appellant, as per the allegation, after the programme was over, badly assaulted the son of the informant with fists and slaps. They also abused him by calling his caste name. After killing the deceased, they threw the dead-body in a pond.

The learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. There is no material against him at all in the case diary and the named accused persons Anurag Singh @ Raja, Raja Kumar @ Raja Babu and Bambhola singh @ Harsh Singh have been granted bail in Cr.Appeal (SJ) Nos. 1904 of 2022, 1527 of 2022 and 4422 of 2022, respectively. The case of the appellant is on similar footing and he is in custody since 12.01.2022 having clean antecedent.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 10.02.2022 is set aside. Accordingly, the appellant, above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District Judge 3rd-cum-Special Judge SC/ST
Bhagalpur in connection with Kahalgaon P.S.Case No. 712 of
2021 (Spl.SC/ST Case No. 168 of 2021).

Office shall ensure that all the defects are removed by
the appellant within the stipulated time provided hereinabove,
failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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