

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3911 of 2022

Arising Out of PS. Case No.-239 Year-2022 Thana- NOKHA District- Rohtas

Nagendra Singh @ Nageshwar Singh S/O Late Janki Singh R/O Village-
Kushahi, P.S- Nokha, District- Rohtas

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiv Pratap

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the State submits that he has
informed the informant through SP concerned but nobody
appears on behalf of the respondent no. 2.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 30.09.2022, passed by
learned Additional District Judge (A.D.J.)-17 Cum-Special
Judge SC/ST, Rohtas, Sasaram in connection with Nokha P.S.
Case No. 239 of 2022, registered under Sections 341, 323, 504,
506/34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

It is submitted by learned counsel for the appellant that
the appellant is innocent and has been falsely implicated in this
case. He submits that the informant along with her husband was
not present at the place of occurrence as they had gone to



Tarachandi, Sasaram whereas her brother-in-law was at the place of incident where occurrence took place due to changing alignment of under construction road. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that the informant is a Mukhiya and there is previous dispute between the parties. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge (A.D.J.)-17 Cum-Special Judge SC/ST, Rohtas, Sasaram in connection with Nokha P.S. Case No. 239 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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