

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3274 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- NAGAR District- Vaishali

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ROHIT KUMAR SINGH @ GOLU SINGH S/o Budhdeo Singh @ Budhan
Singh Resident of Village-Chhoti Marai, P.S.-Town, Hajipur, District-Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satya Prakash Sinha

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 29-03-2024 Heard learned counsel for the appellant and learned Spl.
P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 23.06.2023 passed by the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 350 of 2023, registered for the alleged offences under Sections 147/148/149/447/341/323/324/307/385 of the Indian Penal Code, Section 27 of the Arms act and Section 3(i)(r) (s) of the S.C./S.T. Act.

3. As per the prosecution case, the appellant and 8-10 unknown persons armed with sword, pistol and farsa abused the informant and dashed him as a watchman of Rajput while the informant was at his door. It is further alleged that the appellant



assaulted on the head of the informant with sword and other unknown persons also attacked with knife which hit his chest. The accused persons also demanded Rs. two lakhs as extortion from his owner, Sudhir Singh. On *halla*, the co-accused Sajjan Kumar Singh came and fired and fled away.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal. There is *pattidari* dispute between both the parties. There is no injury report of the informant on record to support the allegation stated in para 9 of the appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant and submitted that the occurrence is said to be taken place at the door of the informant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 23.06.2023 passed by the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 350 of 2023 is set aside against the



appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of court of learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 350 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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