

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4733 of 2023

Arising Out of PS. Case No.-113 Year-2020 Thana- ASHTHAWAN District- Nalanda

CHHOTE SINGH @ RAJESH KUMAR SINGH @ RAJESH KUMAR S/O
SUNIL SINGH R/O VILLAGE- DUMRAWAN, P.S- ASHTHAWAN,
DISTT.- NALANDA.

... .. Appellant/s

Versus

1. The State of Bihar
2. ARTI KUMARI D/O LATE DHURI PASWAN R/O VILLAGE-
KHAJELOHAR BIGHA, P.S- AHTHAWAN, DISTT.- NALANDA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 30-08-2024 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

2. In spite of valid service of notice, none appeared
on behalf of the informant.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 19.09.2023 passed by learned 6th Additional Sessions
Judge cum Special Judge (SC/ST Act), Nalanda at Bihar Sharif in
connection with Asthawan P.S. Case No. 113 of 2020 registered
under Sections 341 and 302 of the Indian Penal Code and



Section 3(1) (2) (v) of the SC/ST Act.

4. The allegation against the appellant that he has committed the murder of mother of the informant.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. It is further submitted that there is no eye-witness in this case rather the appellant has been roped in this case merely on suspicion. Appellant has been languishing in custody since 30.09.2023

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, the above named appellant is directed to be released 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 6th Addl. Sessions Judge cum Special Judge (SC/ST Act), Nalanda at Bihar Sharif in connection with Asthawan P.S. Case No.113 of 2020, subject to condition that

(i) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his



bail bonds shall be liable to be cancelled by the learned court concerned.

(ii) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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

(Anjani Kumar Sharan, J)

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