

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4775 of 2023

Arising Out of PS. Case No.-453 Year-2021 Thana- CHAPRA TOWN District- Saran

Subhash Singh @ Subhash Kumar Singh Son Of Late Brij Bihari Singh
Resident Of Village- Sitab Diyara, Ps- Revelganj, Distt- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Kumar Manjhi Son Of Late Jaimangal Manjhi Resident Of Village-
Dhenuki, Ps- Marhaura, Distt- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the iNformAnt	:	Dhirendra Pd. Sinha, Advocate
		Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 04.09.2023, passed in a case registered for the offence punishable under sections 341, 323, 379, 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case , this appellant along with other co-accused persons assaulted the informant by means



of fist and slaps and snatched his golden chain and cash of Rs. Nine thousand from his pocket.

4. It is submitted that the appellant has falsely been implicated in this case merely because he happens to be the brother of co-accused *Munna Singh* who has filed one Informatory petition before the learned Chief Judicial Magistrate Chapra vide Informatory petition No. 3217/21 on 21.08.2021 and in retaliation the present false and concocted case has been lodged by the informant. There is no allegation of any overt act against this appellant. Rest of the allegation is super addition to make the case grave in nature . It is the not the case of the prosecution that any member of the public was present at the time of incidence, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Special Public Prosecutor for the State and respondent No. 2 opposes the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellant only and the impugned order is set aside . Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of
the learned Exclusive Special Judge, SC/St, Chapra at Saran, in
connection with Chapra Town Police Station Case No. 453 of
2021.

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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