

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.474 of 2020

Arising Out of PS. Case No.-13 Year-2014 Thana- SC/ST District- Siwan

Rajnish Dubey @ Kunal Kumar Dubey, aged about 28 years, Gender – Male,
Son of Vidyashankar Dubey, Resident of Village - Hanumant Nagar,
Laxmipur, P.S.- Town, Dist.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar Singh, Advocate Mr.Anil Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 26-02-2021 Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 05.12.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No.1975 of 2019, whereby the Anticipatory Bail Petition of the appellant in connection with SC/ST P.S. Case No.13 of 2014 for the offences punishable under Sections 147, 341, 323, 353, 447, 448, 504 and 506/34 of the Indian Penal Code and Sections 3 (1)(x) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The present F.I.R. has been instituted on the basis of written application/information of the informant namely Anil Kumar Prasad, son of Late Sheetal Prasad, resident of village –



Laxmipur, Sisawan Dhala, P.S. - Town, District- Siwan, wherein it has been alleged by the informant that on 26.09.2013 at 07:00 a.m. when the informant was at his door, all of a sudden the accused persons named in the F.I.R. came along with 4-5 unknown persons and one of the accused person namely Vakil Singh put me down to the road by my neck and the other accused namely Munna Singh abused him by his caste name. Further, it has been alleged that the appellant asked him that why did not he got measured the land for which the informant answered that he will measure the land on any holiday or on Sunday. Furthermore, he has alleged that other two persons namely Praveen Pathak and Pappu Singh tried to dragged the informant buthe was saved by the nearby people whereupon the accused person namely Vakil Singh threatened the informant that either member of his family would be murdered.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that during investigation, the appellant has filed the protest petition and the court below has taken cognizance which is clear from the supplementary affidavit filed by the appellant.

Learned A.P.P. for the State has opposed the prayer for



bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, in connection with SC/ST P.S. Case No.13 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 05.12.2019 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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