

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.797 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -ALAMNAGAR District- MADHEPURA

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1. Ashok Singh S/o Late Ghana Singh @ Ghaneshwar @ Dhana Singh
2. Randhir Singh son of Dhuni Singh @ Dhuneshwar Singh @ Dhuno Singh
Both resident of Village-Muraut, P.S.-Alamnagar (Ratwara O.P.), District-
Madhepura (Bihar).

.... Appellants

Versus

1. The State of Bihar
2. Umesh Paswan, S.I., S/o Nandalal Paswan R/o Village- Baluaha, P.S.- Mahishi,
District- Saharsa.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Anant Kumar-1, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-10-2016

This appeal under Section 14-A(2) of the Scheduled
Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989,
(for short 'the Act') is directed against the order dated 29.07.2016
passed by the Special Court-cum-1st Additional Sessions Judge,
Madhepura in B.P. No. 388 of 2016 arising out of Alamnagar P.S.
Case No. 59 of 2016 corresponding to G.R. No. 309 of 2016
registered for the offences punishable under Sections 147, 149, 341,
323, 325, 333, 353, 427, 504, 188, 337, 171(C), 171(E) of the
Indian Penal Code, 47(a) 61 of the Excise (Amendment) Act, 2016

and 3(1)(x) of the Act whereby the prayer for bail of the appellants has been rejected.

2. It has been contended by the learned counsel for the appellants that the order passed by the court below is bad in law as also on facts. The court below has failed to appreciate that no injury was caused to any person and no van or police jeep or any public property has been damaged. The court below has further failed to appreciate that no specific overt act is attributed against the appellants and their name has been given in the FIR only because they happen to be supporter of a particular candidate contesting on the post of Mukhiya.

3. It has also been contended that the specific allegation of using abusive word against the Officer-in-charge of the police station is against one Ram Lal Singh who has already been granted bail vide order dated 24.06.2016 passed in Cr. Misc. No. 25841 of 2016 by a co-ordinate Bench of this Court.

4. *Per contra*, learned Special Public Prosecutor for the State has submitted that though specific overt act is not attributed against the appellants, there is allegation that altogether 54 persons named in the FIR including the appellants created obstruction in discharge of official duty and one of the accused Ram Lal Singh abused the Officer-in-charge of the police station by

taking his caste name. He has further contended that due to stone pelting, the wind screen of the official vehicle of the Superintendent of Police was broken. However, he concedes that co-accused Ram Lal Singh has already been granted bail by this Court.

5. Regard being had to the submissions made by the learned counsel for the parties and the materials available on record, the impugned order dated 29.07.2016 passed by the Special Court-cum-1st Additional Sessions Judge, Madhepura in B.P. No. 388 of 2016 is set aside. The appellants, namely, Ashok Singh and Randhir Singh, who are in custody since 14.05.2016 and 06.06.2016 respectively, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court-cum-1st Additional Sessions Judge, Madhepura in Alamnagar P.S. Case No. 59 of 2016 corresponding to G.R. No. 309 of 2016.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
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