

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.802 of 2016

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

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1. Bharat Singh, S/o Late Moti Singh
 2. Kare Singh son of Late Surji Singh @ Rurji Singh
 3. Bilo Singh S/o Late Basdeo Singh @ Basudev Singh
 4. Rajendra Singh S/o Late Chunchun Singh.
 5. Pappu Singh S/o Chhotelal Singh.
 6. Raj Kumar Singh, S/o Late Rurji Singh @ Surji Singh.
 7. Naresh Singh S/o Late Sukhdeo Singh @ Lodhay Singh.
 8. Bijay Singh @ Vijay Singh S/o Late Jamadar Singh @ Jamedar Singh
 9. Faso Singh S/o Late Sukhdeo Singh @ Sukhudev Singh @ Sugdeo Singh.
 10. Pukar Singh S/o Late Paro Singh
 11. Sukhar Singh S/o Late Paro Singh.
 12. Sanjay Singh S/o Sukhar Singh.

All are 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. Banay Krishna, Spl. P.P.

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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 05.08.2016 passed by the Special Court-cum-1st Additional Sessions Judge, Madhepura in B.P. No. 447 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 05.08.2016 passed by the Special Court-cum-1st Additional Sessions Judge, Madhepura in B.P. No. 447 of 2016 is set aside. The appellants, who are in custody since 14th June, 2016, 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	-----
Uploading Date	24.10.2016
Transmission Date	24.10.2016