

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3143 of 2017

Arising Out of PS.Case No. -344 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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1. Bhagmani Devi, Wife of Mundrika Singh,
 2. Mundrika Singh, Son of Suryadeo Singh,
 3. Balveer Kumar Singh @ Balbir Singh, Son of Umesh Singh, All resident of Mojahidpur, Police Station- Dhanauti O.P. District- Siwan.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raghav Prasad

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 01-12-2017 The appellants have challenged the order dated 15.09.2017, passed by the learned 1st Additional Sessions Judge, Siwan(Special Court) in connection with Dhanauti P.S. Case No. 344 of 2017 dated 20.07.2017 instituted for the offences under Sections 341, 323, 447, 308, 504/34 of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby their prayer for being released on anticipatory bail has been rejected.

Though the appellants are alleged to have assaulted the informant and his daughter and also abused them by taking their caste name, but the real dispute was something else.

Learned counsel for the appellants has drawn attention of this Court to the complaint case lodged by the



appellant No. 2, wherein the actual story has been narrated. That apart, it has been argued on behalf of the appellants that but for the vague allegations in the F.I.R of all the three appellants having abused the informant and her daughter by taking their caste name, there is no other allegation which could attract the provisions of any one of the Sections of the Indian Penal Code or the SC & ST (Prevention of Atrocities) Act. The entire family of the appellants have been made accused in this case.

From the records, it appears that there was a simple dispute which could be either because of the daughter of the informant not handing over the note book to one of the appellants Balveer Kumar Singh or because of the appellant No. 2 viz. Mundrika Singh having accosted the informant regarding her goat having grazed the field of the appellants. The provisions of the SC/ST Act have unnecessarily been added in order to add seriousness to the facts.

Considering the aforesaid aspects, this Court deems it appropriate to set aside the order dated 15.09.2017.

The appellants, above named are directed to be released on bail, in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge, 1, Siwan in connection with Siwan Muffasil, Dhanauti P.S. Case No. 344 of 2017.

(Ashutosh Kumar, J)

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