

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.921 of 2017

Arising Out of PS.Case No. -85 Year- 2015 Thana -RIVILGANJ District- SARAN

- =====
1. Mithilesh Kumar Singh @ Mithilesh Singh, Son of Mukhdeo Singh.
 2. Raja Babu Singh, S/o Ashok Singh
- Both are Resident of Village- Methwaliya, Police Station- Revelganj,
District- Saran at Chapra.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kr Singh No.1

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 08-11-2017

Heard learned counsel for the appellants and

learned APP for the State.

The appellants have renewed their prayer for anticipatory bail through the present Appeal in a case registered for the offences punishable under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The prosecution case is that on 29.05.2015 when the informant was returning from the house of Nirmal Singh then the appellants and co-accused Dilip Kumar Singh surrounded and abused him by calling his caste name, appellant no. 1 and co-accused Dilip Kumar Singh caught hold of his hands, appellant no. 2 assaulted him with iron rod causing fracture injury on his leg



and snatched Rs.40,000/- and some other articles that he was carrying for the marriage of his daughter.

It is submitted by learned counsel for the appellants that for the occurrence dated 29.05.2015 the FIR was lodged on 09.06.2015 though the fard-beyan was recorded on 31.05.2015 and the investigation has already been concluded and final form has been submitted under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act. The earlier anticipatory bail application of the appellants was disposed of with liberty to surrender and pray for regular bail before learned Court below within a period of six weeks. It is further submitted that the prayer has been renewed on the ground that the informant has entered into compromise with the appellants and except Section 379 IPC and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act, all offences in which final form was submitted, are bailable. The learned Sessions Judge has not considered the compromise arrived at between the parties.

Considering the fact that earlier anticipatory bail application of the appellants was disposed of on merits, this Court is not inclined to modify the earlier order dated 16.02.2016 passed in Cr. Misc. No. 6937 of 2016. However, keeping in view the



retracted stand of the informant, it is a case for consideration of prayer for regular bail by the learned Court below, preferably on the same day, if the appellants surrender before the learned Court below within a period of six weeks from today in connection with Rivilganj P.S. Case No. 85 of 2015, pending in the Court of learned CJM, Saran at Chapra.

Accordingly, this Appeal is disposed of.

(Dinesh Kumar Singh, J)

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