

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3097 of 2018

Arising Out of PS.Case No. -23 Year- 2017 Thana -SC/ST District- JEHANABAD

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1. Karu Singh, Son of Pramod Singh.
 2. Dabu Singh @ Dabbu Singh, Son of Krishna Singh.
 3. Karu Singh, Son of Shiyaram Singh.
 4. Chandan Singh @ Chandan Kumar, Son of Amrendra Singh.
 5. Dhanjay Singh @ Dhananjay Singh, Son of Brijnandan Singh.
 6. Ptha Singh @ Pattha Kumar @ Patha Singh, Son of Kabindra Singh.
 7. Om Prakash Singh, Son of Raj Kishore Singh
 8. Mannu Singh, Son of Raj Kishore Singh.
 9. Prince Singh @ Prince Kumar, Son of Mannu Singh.
 10. Kedar Singh, Son of Muneshwar Singh.
 11. Butai Singh, Son of Suchita Singh
 12. Chutali Singh @ Bhutali Singh, Son of Mahendra Singh.
 13. Santosh Singh, Son of Sudarshan Singh, All are resident of Village- Duna Chhabra, Police Station and District- Arwal.

.... Appellants

Versus

1. The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Manish kumar, Advocate
For the Respondent/s : Mr. Sadanad Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 03.07.2018 passed by learned Additional Sessions Judge-I, Jehanabad, in A.B.P. No. 1056 of 2018, arising out of Arwal SC/ST Police



Station Case No. 23 of 2017, registered under Sections 147/149/341/323/354/307/504/506 of the Indian Penal Code and Section 3(2)(va)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The persons, who have signed the FIR as informant, are labourers. They are engaged in loading and unloading sand on the vehicle. The appellants and others were insisting for loading of sand on their vehicle on payment of Rs.100/- each; whereas labourers were getting Rs. 200/- each from the vehicle of outsiders. For that dispute allegation is against 30 to 40 persons among them 23 are named including the appellants that they came variously armed and committed assault against them. The doctor has found different persons injured in the occurrence. Some witnesses have supported the allegation before the police.

Nothing has been brought to the notice of the Court that FIR suffers from mala fide prosecution.

In the circumstance, only for the reason that allegation is general and omnibus and not specific against anyone, the appellants cannot be granted anticipatory bail. Hence, this appeal against refusal of prayer for anticipatory bail has no merit. Accordingly, it stands dismissed. However, in the event of surrender of the appellants within four weeks and prayer for regular bail, the Court-below shall



dispose of the same without being prejudiced by this order as well as considering the general omnibus nature of allegation.

(Birendra Kumar, J)

Mkr./R.Ranjan-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2018
Transmission Date	09.10.2018

