

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.991 of 2019

Arising Out of PS. Case No.-343 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

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1. RANJEET KUMAR @RANJEET SINGH Son of Ramashish Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 2. Vijay Singh Son of Ramashish Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 3. Anil Kumar @ Anil Singh Son of Upendra Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 4. Dharikshan Singh Son of Thaga Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 5. Vinod Singh Son of Ramashish Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 6. Dhiraj Kumar @ Raj Kumar singh Son of Ramashish Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 7. Veeranjan Kumar @ Virangad Kumar Son of Jaganath Rai Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 8. Chandan Kumar @ Chandan Das Son of Udgar Das Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 9. Dilip Ram Son of Ramnath Ram Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 10. Amresh Ram @ Amrash Ram Son of Kamal Ram Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 11. Manoj Singh Son of Bhola Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 12. Parikshan Singh @ Bathu Singh Son of Thaga Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.
 13. Basudew Singh Son of Late Khelawan Singh Resident of Village - Sanathi, P.S.- Bochaha, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Ranjan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER



5 09-08-2019 Seen the show cause of Senior Superintendent of Police, Muzaffarpur.

Aforesaid show cause is accepted.

Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 09.01.2019 passed by learned 11th Addl. Sessions Judge cum Special Judge, SC/ST Act, Muzaffarpur in Bochahan P.S. Case No. 343 of 2018 registered under Sections 147, 149, 188, 283, 332, 333, 353, 427 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Owing to death of the daughter of the appellant no.5 Vinod Singh in the road accident, 28 named and 40-45 unknown miscreants putting the dead body on the road blocked the same and when the informant along with police force arrived there to lift the blockade, they slated them and assaulted them by means of lathi and damaged the glass pan of the vehicle and also damaged the offending vehicle. One Jitendra Kumar Singh was leading the mob.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid



occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant and others in the name of their caste against the appellants. There is no injury report of any injured in the case diary. As a matter of fact, appellant no.5 had approached P.S. for lodging the F.I.R. regarding the death of her daughter in the accident, but the police did not lodge the F.I.R. and falsely implicated the appellants in the case. Subsequently on persistent insistence by the said appellant, police lodged the F.I.R. two days later to the accident. Appellant nos. 8, 9 and 10 happen to be member of the Scheduled Caste. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 11th Addl. Sessions Judge cum Special Judge, SC/ST Act, Muzaffarpur in connection with Bochahan P.S. Case No. 343 of 2018 , subject



to the condition as laid down under Section 438 (2) of the
Cr.P.C.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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