

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1526 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- SAHIYARA District- Sitamarhi

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1. Mahendra Prasad Singh @ Mahindra Singh S/o Late Binda Singh R/o village- Pokharbhinda P.S.- Sahiyara District- Sitamarhi
 2. Rajesh Kumar @ Rajesh Pandit S/o Prahlad Pandit R/o village- Pokharbhinda P.S.- Sahiyara District- Sitamarhi
 3. Rupesh Kumar @ Rupesh Singh S/o Mannu Singh R/o village- Pokharbhinda P.S.- Sahiyara District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-06-2019 As prayed, learned counsel for the appellants is permitted to correct address of the appellants as adumbrated in the appeal during course of the day.

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

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 11.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in Sahiyara P.S. Case No. 200 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code, Section



27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over some sort of dispute between dance programme, 17 named and 5-7 unknown miscreants including the appellants are said to have slated the informant in the name of his caste and Kanhaiya Singh resorted firing upon his stomach by means of pistol resultantly he fell down. Then Mannu Singh and Rahul Singh resorted firing upon him by means of pistol, but he left unhurt.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics. There is case and counter case between the parties. The informant has sustained only gun shot injury which is attributed to Kanahiya Singh. Allegation of slating the informant in the name of his caste levelled against the appellants and other accused persons is not specific. There were 24 accused persons at P.O. but the informant has not disclosed specifically as to who slated him in the name of his caste. Appellants have no criminal antecedent.

On the other hand, learned Spl. PP for the State opposed the prayer for bail.



In 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in connection with Sahiyara P.S. Case No. 200 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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