

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2704 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- BARHARIA District- Siwan

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1. PUNIT KUMAR Son of Upendra Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 2. Ambika Prasad Son of Late Jai Singh Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 3. Upendra Prasad Son of Late Chandrika Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 4. Subhash Prasad @ Subash Prasad Son of Late Jai Singh Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 5. Indu Devi Wife of Upendra Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 6. Deepak Kumar Son of Upendra Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 7. Devrati Devi @ Devkali Devi Wife of Ambika Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan
 8. Fulmati Devi Wife of Subhash Prasad @ Subash Prasad Resident of Village - Narharpur, P.S.- Barharia, District- Siwan

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shivdhari Baitha Son of Late Dukhharan Baitha Resident of Village - Narharpur, P.S.- Barharia, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 16-09-2019 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 03.06.2019 passed by learned 1st Addl. Sessions Judge



cum Special Judge, Siwan in Barharia P.S. Case No. 115 of 2019 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(a)(va) of the SC/ST Act.

While the informant was filling soil on his land, all the appellants descending there started slating the informant in the name of his caste and asked him to stop filling soil on the land and on protest made by him they assaulted him, his aunt and son and nephew by means of lathi and rod and made them injured. They also spat on him.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Ambika Prasad has lodged Barharia P.S. Case No. 114 of 2019 against the informant and others preceding to the case under hand and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Witnesses in the case diary have not stated about slating the informant in the name of his caste by the appellants or spiting on him by them. Witness in Para-7 of the case diary has stated that there was free fight between both the parties over



row of filling soil on the land and persons of both the sides were injured. Injuries sustained by the victims are simple in nature. 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 1st Addl. Sessions Judge cum Special Judge, Siwan in connection with Barharia P.S. Case No. 115 of 2019, 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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