

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2985 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- KASHICHAK District- Nawada

1. BARANDI SINGH @ MURARI KUMAR @ MURARI SINGH Son of Vidya Singh Resident of Village - Dewan Bigha, P.S.- Kashichak, Distt - Nawada.
2. Subhash Singh @ Manish Kumar Son of Awadhesh Singh Resident of Village - Dewan Bigha, P.S.- Kashichak, Distt - Nawada.
3. Rai Singh @ Pappu Singh @ Ranjit Kumar Son of Hiro Singh Resident of Village - Dewan Bigha, P.S.- Kashichak, Distt - Nawada.
4. Tunari Singh @ Satrugan Kumar Son of Adan Singh Resident of Village - Dewan Bigha, P.S.- Kashichak, Distt - Nawada.
5. Rahish Singh @ Rahish Kumar Son of Sanjay Singh Resident of Village - Dewan Bigha, P.S.- Kashichak, Distt - Nawada.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Devendra Prasad Singh
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.Ramji Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 16-11-2019 Aggrieved by the order, dated 14.06.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada, rejecting the appellants' application for grant of anticipatory bail in connection with Kashichak P.S. Case No. 13 of 2019 registered for the offence punishable under Sections 147, 149, 341, 323, 307, 379, 427 and 436 of the Indian Penal Code and Section 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants, who are named in the First Information Report, have



preferred this appeal under Section 14-A(2) of the Act.

The appellants belong to the same family. It appears from the First Information Report that the informant was employed by the family of the appellants and allegedly they were annoyed with the sudden absence of the informant from work. It is alleged that they had accosted the informant's daughter and when she complained of payment of less amount of wages, they are said to have abused the informant and his son and daughter. There is allegation against the persons named in the First Information Report of having entered into the informant's house and ransacked the articles. There is one sentence in the First Information Report where it is alleged that the persons named in the First Information Report had called the informant by his caste name.

I have heard learned counsel appearing on behalf of the appellant and learned counsel representing the informant. I have also heard the learned Additional Public Prosecutor for the State.

It has been submitted on behalf of the appellants that for an occurrence said to have taken place on the same day, In-charge Headmistress of local upgraded Middle School had lodged a First Information Report against the informant and



others. Lodging of the present First Information Report is a counter blast to the said First Information Report.

Learned counsel appearing on behalf of the informant, on the other hand, has submitted that an anticipatory bail application cannot be maintained in a case arising out of the offence punishable under the provisions of the Act and, therefore, the court below has rightly rejected the appellants' application for anticipatory bail. He contends that the appellants have made it difficult for the informant and his family members to live in the village and, therefore, they are not entitled to grant of any such relief, which has been sought in the present appeal.

I have carefully perused the First Information Report. Except the one sentence, at the bottom of the First Information Report, that the accused persons had taken caste name to which the informant belongs, there is no other allegation constituting offence under the Act. However, it cannot be said that no offence at all is made out under the Act on the basis of what has been alleged in the First Information Report. Rejection of anticipatory bail application in such circumstance, by the court below, cannot be said to be unjustified there being bar under Section 18 of the Act.

However, considering the nature of allegation in the



First Information Report, this appeal is disposed of with a direction that if the appellants surrender before the court below and seek regular bail within one month from today, their application shall be considered and disposed of on the same day.

(Chakradhari Sharan Singh, J)

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