

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3186 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- KHAJAULI District- Madhubani

Vikram Singh @ Vikram Kr. Singh, Son of Kishori Singh @ Kishori Prasad Singh, Resident of village- Datuar, P.S.- Khajauli, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3097 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- KHAJAULI District- Madhubani

Lalan Singh @ Lal Babu Singh, Son of Nand Singh, Resident of Village- Datuar, P.S.- Khajauli, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3186 of 2019)

For the Appellant/s : Mr. Nikhilesh Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, APP

(In CRIMINAL APPEAL (SJ) No. 3097 of 2019)

For the Appellant/s : Mr. Binod Kumar Sinha, Adv.

For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR



ORAL ORDER

5 20-11-2019 Both these appeals have been heard together and are being disposed off by this common order.

Heard the counsel for the parties.

The appellants have challenged the orders dated 07.02.2019 and 27.02.2019 passed by the learned 1st Addl. Sessions Judge, Madhubani in A.B.P. No. 14 of 2019 and A.B.P. No. 1876 of 2018 respectively, in connection with Khajauli P.S. Case No. 146 of 2018, which has been instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 448, 427, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

It appears that one Manish Kumar lodged a case that one Shakti Singh along with his friends was taking photos of his sister stealthily while she had gone to the temple for worship. When this was objected to, the



miscreants got infuriated. Later, even after a *Panchayati* was held, the accused persons including the appellants entered the house of the two of the villagers, viz., Vijay Mandal and Saroj Mandal and ransacked their houses.

It has been submitted on behalf of the appellants that though they have been named in the F.I.R., but without any specific overt act. The implication of the appellants in these cases is because of dispute in the village and the appellants being the members of a different faction. There is no statement with respect to any injury having been received by the victims, viz., Vijay Mandal and Saroj Mandal.

It appears that there was some dispute while the sister of the informant had gone to the temple and taking advantage of the aforesaid occurrence where Shakti Singh and his associates were prevented from taking photos of the sister of the informant, other accused persons including the appellants, who belonged to the faction of Shakti Singh, have been made accused in this case.

Considering the aforesaid fact, this Court is inclined to and sets aside the orders impugned in these appeals



dated 07.02.2019 and 27.02.2019 respectively, refusing to grant anticipatory bail to the petitioners.

Let the appellants above named, in the event of their surrendering before the Court below within a period of four weeks from today, be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge, Madhubani in connection with Khajauli P.S. Case No. 146 of 2018.

Both the appeals stand allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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