

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3156 of 2019

Arising Out of PS. Case No.-155 Year-2019 Thana- BELAGANJ District- Gaya

1. RAJNISH KUMAR Son of Devendra Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
2. Ramu Kumar Son of Kishore Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
3. Amresh Kumar @ Amresh Singh Son of Mithlesh Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
4. Rohit Kumar Son of Savin Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
5. Upendra Singh @ Upendra Kumar Singh Son of Sakaldeep Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
6. Tripurari Sharma @ Pramod Kumar Sharma Son of Uma Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
7. Chintu Kumar Son of Jayram Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
8. Shambhu Sharma @ Shambhu Kumar Son of Rajendra Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
9. Gulshan Kumar Son of Bulendra Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
10. Rajnish Kumar @ Govind Bhardwaj Son of Rajesh Kumar Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
11. Lovekush Kumar @ Devkush Kumar Son of Akhilesh Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
12. Saurav Kumar Son of Ravindra Sharma @ Ravish Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
13. Deepak Singh @ Deepak Kumar Son of Ramdev Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
14. Babloo Singh @ Bablu Kumar Son of Upendra Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
15. Munna Kumar Son of Upendra Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
16. Gaurav Kumar Son of Tripurari Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
17. Sanjeev Singh @ Sanjeev Kumar Son of Late Dwarika Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
18. Rambabu @ Ram Kumar Son of Pappu Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
19. Tarun Singh @ Taran Singh @ Tarun Kumar Sharma Son of Late Devki Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.



20. Bushan Singh @ Ravi Bhushan Kumar Son of Rajeev Singh @ Rajendra Singh Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
21. Bipul Singh @ Bipul Kumar Son of Rajendra Singh @ Ravindra Sharma Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate.
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 01-10-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.05.2019 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 155 of 2019 registered under Sections 147, 148, 149, 447, 341, 323, 330, 307 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On the date of occurrence when Raju Paswan



went to the Burning Ghat, appellants started assaulting him and when the informant, Nita Devi and Rupu Paswan arrived there responding hulla made by Raju Paswan, they were also assaulted by the aforesaid accused persons making them injured. They also slated them and appellant Amresh Singh resorted firing in the air.

It is submitted by learned counsel for the appellants that no such occurrence as alleged has taken place. As a matter of fact, there is a Sun Temple and pond etc. adjacent to the Burning Ghat and police personnel are always deployed on the aforesaid place to avoid any untoward incident. The informant has lodged this false and frivolous case against the appellants as the appellants had opposed the encroachment on the aforesaid land by the prosecution party. There is a case and counter case between the parties. Appellants' side have also sustained injury in the occurrence. There is no allegation of slating the informant and others in the name of caste. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Barring one case lodged by the informant, appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 155 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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