

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL APPEAL (SJ) No.3181 of 2019**

Arising Out of PS. Case No.-135 Year-2019 Thana- PAKARIBARAW District- Nawada

1. Mukesh Singh @ Mukesh Kumar, Son of Bidyabhushan Singh
2. Gorelal Singh, Son of Rajendra Singh
3. Mintu Singh, Son of Bidyabhushan Singh
4. Bindu Singh @ Bindu Kumar, Son of Gorelal Singh

All resident of Village - Rewar, P.S.- Pakribarawan, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

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

For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL ORDER**

4      20-11-2019                      Heard the counsel for the parties.

The appellants have challenged the order dated 18.06.2019 passed by the learned 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, Nawada in A.B.P. No. 729 of 2019 in connection with Pakribarawan P.S. Case No. 135 of 2019, which has been instituted for the offences under Sections 147, 149, 341, 323, 307, 353 and 224 of the Indian Penal



Code and Section 3(i)(s) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer made on their behalf for grant of anticipatory bail has been rejected.

It appears that one Uday Singh, who was arrested by the informant and his police party, managed to flee away. This was pointed out by a local *Chowkidar*. The appellants and others are said to have assaulted the *Chowkidar* for having helped the police in identifying the house of the accused persons/persons against whom warrant of arrest had been issued.

Learned counsel for the appellants has submitted that they have been named at the instance of the *Chowkidar*, whereas the allegation against them is general and omnibus in nature. From the F.I.R., there does not appear to be any material or allegation so as to justify the imposition of any one of the provisions of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989. Merely, because the person who is alleged to have been assaulted was a person of scheduled caste community,



it would not bring the case within the mischief of aforesaid  
the act.

Considering the aforesaid fact, this Court is inclined  
to and sets aside the order dated 18.06.2019, refusing to  
grant anticipatory bail to the appellants.

Let the appellants above named, in the event of  
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 1<sup>st</sup> Addl. Sessions Judge-cum-Special  
Judge, Nawada, in connection with Pakribrawan P.S. Case  
No. 135 of 2019.

The appeal stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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