

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3180 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- GORIAKOTHI District- Siwan

1. SURESH SINGH Son of Late Chandrika Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
2. Prince Kumar Son of Kedar Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
3. Rajan Singh Son of Kedar Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
4. Manju Devi Wife of Suresh Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
5. Indu Devi Wife of Kedar Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
6. Kedar Singh Son of Suresh Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
7. Ram Ayodhya Singh Son of Late Ram Ashish Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
8. Sohan Singh Son of Ram Ayodhya Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
9. Mala Devi Wife of Manoj Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
10. Vicky Kumar @ Vicky Singh Son of Madan Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
11. Sabita Devi Wife of Madan Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.
12. Aditya Kumar Son of Manoj Singh Resident of Village-Mirjapur, P.S.-Goreya Kothi, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-11-2019 Heard Mr. Rakesh Kumar Sharma, learned
counsel for the appellants and Mr. Aslam Ansari for the



State.

The appellants have challenged the order dated 03.07.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in A.B.P. No. 1259 of 2019 arising out of Goreya Kothi P.S. Case No. 96 of 2019, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 147, 341, 323, 447, 427 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act has been rejected.

The accusation against the appellants is of having indulged in brick bats, of demolishing the wall which was erected on the orders of the SDO and abusing the informant and other members of the family by taking their caste name.

It has been submitted on behalf of the appellants that there is a pending land dispute between the parties and only taking advantage of the caste, the informant has chosen to file this case. It has further been submitted that earlier also, such kind of accusation had been levelled against the appellants.

From the perusal of the FIR, it clearly appears that the dispute lies somewhere else and only in order to add serious colour to the accusation so as to bring this case within the mischief of some of the Sections of the



SC/ST Act in which anticipatory bail is barred, such an accusation has been levelled. The allegations, if taken on its face value also, do not make out any case under Sections 3(i)(r)(s) of the SC/ST Act. Other offences under the Indian Penal Code are also not made out from the facts of this case.

Considering the aforesaid reasons, the order dated 03.07.2019 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of three weeks, whereupon they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in A.B.P. No. 1259 of 2019 arising out of Goreya Kothi P.S. Case No. 96 of 2019.

(Ashutosh Kumar, J)

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