

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3364 of 2019

Arising Out of PS. Case No.-692 Year-2019 Thana- NAWADA District- Nawada

1. ARBIND KUMAR SINHA @ ARVIND KUMAR SINHA S/O Raghunandan Prasad Resident of village- Gonawan, P.S.- Nawada, District- Nawada.
2. Surendra Kumar S/o Raghunandan Prasad Resident of village- Gonawan, P.S.- Nawada, District- Nawada.
3. Abinash Kumar @ Avinash Kumar @ Mantu S/o Arbind Kumar Sinha Resident of village- Gonawan, P.S.- Nawada, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-08-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 24.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Nawada in Nawada P.S. Case No. 692 of 2019 registered under Sections 341, 323, 504 and 427 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Informant who happens to be Civil Contractor is said to have constructed boundary wall of Chandrashekhar Azad. On the date of occurrence, when he arrived at the site he found the



appellants dismantling the said boundary wall. On protest made by the informant, they started slating and assaulting him and when he tried to escape, they gave him chase. People divulged the name of the appellants to the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. The land in question is not hailing to Chandrashekhar Azad rather to sister of appellant nos. 1 & 2 Abha Kiran @ Girja Devi who had sold it out to one Sunil Kumar vide sale deed dated 07.03.2018 and being peeved with the same, aforesaid Chandrashekhar Azad has got this false and frivolous case lodged against the appellants through the informant. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the name of his caste against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Identity and genuineness of the source of information about the name of the appellants has not been mentioned in the written report. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Nawada in connection with Nawada P.S. Case No. 692 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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