

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3806 of 2019

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

1. Manoj Singh @ Manoj Kumar Singh, aged about 47 years (Male) S/o Lalit Singh.
2. Chandan Singh @ Commando, aged about 24 years (Male), S/o Manoj Singh @ Manoj Kumar Singh
3. Kundan Singh @ Singh, aged about 26 years (Male), Son of Manjit Singh
All are Resident of Village - Bandhua, P.S.- Gaya Mufassil, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-11-2019 Heard learned counsel for the appellants and learned
Additional Public Prosecutor for the State.

Appellants apprehend their arrest in connection with Mufassil P.S. Case No. 155 of 2019, registered for offence punishable under Section 443, 341, 323, 307, 504, 506/34 of the Indian Penal Code read with Section 3(i)(x)(s) of the SC/ST Act.

The allegation against the appellants is that the appellant no. 1 assaulted by means of 'Khanti' to one Lila Devi and appellant nos. 2 and 3 have allegedly assaulted Kabotri Devi and Usha Devi with stones causing them injuries.

Mr. Bipin Kumar, learned counsel appearing for the



appellants submits that both the parties are co-villagers and there is case and counter case in between them. Learned counsel further submits that in fact the side of the appellants had lodged a case vide Moffassil P.S. Case No. 142 of 2019 on 18.04.2019 against Surendra Paswan i.e. husband of the informant and others and the present First Information Report has been lodged as a counter blast to the First Information Report lodged by the side of the appellants. Learned counsel further submits that the First Information Report lodged by the appellants is prior in time to the First Information Report lodged by the informant. Learned counsel further submits that injuries caused to the victims have been found to be simple in nature except the injuries caused to Lila Devi, which have been found to be grievous in nature.

After having heard learned counsel for the parties and taking into consideration the fact that on perusal of the First Information Report and the case diary it appears that the informant and others had sustained injuries, as such, I am not inclined to interfere with the impugned order dated 23.07.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 190 of 2019 (arising out of Mufassil P.S. Case No. 155 of 2019).



However, if the appellants surrender before the learned court below within a period of fifteen days and seek regular bail, the same may be considered by the learned court below preferably on the same day, taking into consideration the fact that both the parties are co-villagers, there is case and counter case in between them and the case lodged by the side of the appellants is prior in time to the case lodged by the informant, without being prejudiced to the fact that the present appeal has been rejected by this court.

(Anil Kumar Sinha, J)

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