

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4050 of 2019

Arising Out of PS. Case No.-88 Year-2017 Thana- SC/ST District- Purnia

1. ANSHU KUMARI Wife of Dharmendra Kumar Sah (Lady Supervisor), Child Development Programme, Resident of Village - Tinpaniya Ward No. 5, Kasba, P.S.- Kasba, District- Purnea
2. Deoki Singh @ Deviki Singh @ Devki Singh Son of Late Ramdeni Singh @ Ram Devi Singh Resident of Village - Itahari, P.S.- Janki Nagar, District- Purnea
3. Ram Sarekh Singh Son of Late Indradeo Singh Resident of Village - Itahari, P.S.- Janki Nagar, District- Purnea
4. Shiv Shankar Singh Son of Late Ishwar Singh @ Rameshwar Prasad Singh Resident of Village - Itahari, P.S.- Janki Nagar, District- Purnea
5. Dhananjay Singh Son of Late Baliram Singh Resident of Village - Itahari, P.S.- Janki Nagar, District- Purnea
6. Om Prakash Singh Son of Ram Sarekh Singh Resident of Village - Itahari, P.S.- Janki Nagar, District- Purnea

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-12-2019 Heard learned counsel for the appellants and

learned Additional Public Prosecutor for the State.

The appellants are seeking a direction against the order dated 14.05.2019 in connection with SC/ST P.S. Case No. 88 of 2017 giving rise to Special Case No. 345/2017 registered for the offences under Sections 147, 149, 341, 323, 379, 354, 504, 509 of the I.P.C. and Section 3(1) (r)(s)(w), 3 (2)(Va) of the Scheduled Caste and Scheduled Tribes (Prevention of



Atrocities) Act, by which anticipatory bail of the appellants as been rejected by learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST, Purnea.

It is alleged in the First Information Report that while appellant no. 1 who happened to be the lady Supervisor of Child Development Programme had been conducting the Aam Sabha, the informant was also called there and her signature was obtained on a register. The informant asked the appellants that the proposal should be recorded in accordance with the guidelines on the place of meeting itself. It is alleged that the informant found the signature of the Ward Member recorded in the date given as 07.10.2016.

It is alleged that there had been some hot discussions between the parties there in which the appellants abused the informant by taking her caste name and assaulted her. The allegation is also that the Ward Member Ravindra Ram and other persons who had come there with the lady Supervisor had torn the cloths of the informant. On the other hand, the lady Supervisor has also lodged an F.I.R. giving rise to Jankinagar P.S. Case No. 146/2016 in which she has alleged that this informant along with others had come on the place of the meeting and in the Aam Sabha she snatched the register, torn the



same and cut down the attendance of the persons present there and they intervened in the government work.

Learned counsel for the appellant submits that the lady Supervisor had lodged the case against the present informant on 24.10.2016, present case has been lodged only in order to take revenge at a much later stage on 17.11.2017.

Learned Special P.P. for the State is present and submits that after investigation police has submitted a charge-sheet against the appellants and the learned court below has taken cognizance of the offences alleged, therefore, this appeal for anticipatory bail is not fit to be entertained.

Having heard learned counsel for the parties and on perusal of the records, this court finds that since the cognizance has already been taken and summons have been issued against the appellants the appeal for anticipatory bail cannot be entertained. It is however submitted that during investigation the appellants have been granted the benefit of Section 41(1) Cr. P.C. and they have cooperated in course of investigation. In such view of the matter, considering the nature of the allegations which are all about the alleged occurrence which took place in the meeting/Aam Sabha, the lady Supervisor had lodged a case against the informant of this case long back and that the



appellants were on police bail in course of investigation and they have cooperated in course of investigation, this court directs that in case of their arrest/surrender before the court below within a period of four weeks from today if the appellants pray for regular bail, the same will be considered by the court below on the same day and would be disposed off keeping in view the aforesaid aspects of the matter.

This Appeal stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

