

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4284 of 2019

Arising Out of PS. Case No.-889 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Dular Chand Prasad @ Dular Chandravanshi @ Dular Chandra Chandravanshi, Son of Late Amir Chandra Chandravanshi, Resident of Village - Mubarakganj, P.S.- Sasaram (Town), Distt.- Rohtas at Sasaram.
2. Bhola Kumar @ Bhola Chandravanshi, Son of Dular Chand Prasad @ Dular Chandravanshi @ Dular Chandra Chandravanshi, Resident of Village - Mubarakganj, P.S.- Sasaram (Town), Distt.- Rohtas at Sasaram.
3. Lavkush Kumar, Son of Dular Chand Prasad @ Dular Chandravanshi @ Dular Chandra Chandravanshi, Resident of Village - Mubarakganj, P.S.- Sasaram (Town), Distt.- Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 19-12-2019 Heard learned counsel for the appellants and the
learned counsel appearing on behalf of the State.

Learned counsel for the appellants submits that so far as Appellant No.1 Dular Chand Prasad @ Dular Chandravanshi @ Dular Chandra Chandravanshi is concerned, he has already been taken into custody and the appeal as against him has been rendered infructuous. It is thus dismissed as infructuous.

This appeal is for grant of anticipatory bail on behalf of Appellant No.2 Bhola Kumar @ Bhola Chandravanshi and Appellant No.3 Lavkush Kumar, who are



apprehending their arrest in connection with Sasaram (Town) P.S. Case No.889 of 2018 for the alleged offence punishable under Sections 147, 148, 149, 323, 341, 307, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the order dated 28.08.2019 passed in Registered Case No.184 of 2018, arising out of Sasaram (Town) P.S. Case No.889 of 2018, by which the learned Additional Sessions Judge-1st-cum-Special Judge, Rohtas at Sasaram has been pleased to reject the prayer for anticipatory bail of the appellants.

Learned counsel for the appellants submits that there is title suit pending between the parties and only to wreak vengeance on the present appellants, the case has been lodged against them. It is further submitted that only because one party belongs to S.C. category and the other belongs to S.T. category, the provisions of the S.C. & S.T. Act have been attracted in the present case. It is further submitted that there is general and omnibus allegation against all the accused persons and no specific overt act has been attributed against the present appellants. Learned counsel further submits that similarly situated co-accused have since been extended the



privilege of anticipatory bail in Cr.Appeal(SJ) No.3931 of 2018 vide order dated 17.12.2018.

Considering the aforementioned facts and circumstances, let Appellant No.2 Bholu Kumar @ Bholu Chandravanshi and Appellant No.3 Lavkush Kumar, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st-Cum-Special Judge, Rohtas at Sasaram, in connection with Registered Case No.184 of 2018 arising out of Sasaram (Town) P.S. Case No.889 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the result, the appeal is allowed and the impugned order dated 28.08.2019 is set aside.

(Anjana Mishra, J)

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