

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4452 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- KHUDWA District- Aurangabad

1. SHLOK SINGH @ RAM SHLOK SINGH S/o- Late Devnandan Singh Resident of Village- Marwatpur, P.S.- Khudwan, District- Aurangabad.
2. Manoj Singh S/o - Shlok Singh @ Ram Shlok Singh Resident of Village- Marwatpur, P.S.- Khudwan, District- Aurangabad.
3. Lallu Singh S/o- Devlal Singh Resident of Village- Marwatpur, P.S.- Khudwan, District- Aurangabad.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ravindra Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-11-2019 At the outset learned counsel for the appellants submits that during the pendency of this case, appellant no. 2 namely, Manoj Singh has been arrested, therefore, the present appeal, as regards appellant no. 2, has become infructuous.

Let it be dismissed as against appellant no. 2. Now this appeal survives on behalf of appellants no. 1 and 3 only.

Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants no. 1 and 3 are seeking to challenge the order dated 11.09.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Aurangabad in A.B.P. No. 1086 of 2019 arising out of Khudwan P.S. Case No. 38 of 2019



registered for the offences punishable under Sections 341, 323, 325, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r) / 3(i) (w0/ 3(2) va/3(i) (s) of the SC/ST (Prevention of Atrocities) Act whereby their prayer for anticipatory bail has been rejected.

Learned counsel for the appellants submits that the present prosecution has been brought after one month of the alleged occurrence without explaining the delay. It is further submitted that the present case has been lodged due to land dispute between the parties.

Considering the facts and circumstances wherein it is the submission of learned counsel for the appellants that the present case has been lodged one month after the alleged occurrence, the dispute has arisen between the parties over a piece of land on which the informant's side was trying to raise construction and further that so far as appellants no. 1 and 3 are concerned, there is no allegation of causing assault against them as also they have no criminal antecedent, the impugned order dated 11.09.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Aurangabad in A.B.P. No. 1086 of 2019 arising out of Khudwan P.S. Case No. 38 of 2019 in respect of appellants no. 1 and 3 is hereby set-aside.

Let the appellants no. 1 and 3 above named in case of



their arrest or surrender within a period of four weeks from today in connection with Khudwan P.S. Case No. 38 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, Aurangabad, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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