

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5146 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- SC/ST District- Aurangabad

1. PRAMOD PANDEY Son of Late Rameshwar Pandey Resident of Village- Kharanti, P.S.- Obra, Distt.- Aurangabad.
2. Rakesh Singh Son of Indu Singh Resident of Village - Kharanti, P.S.-Obra, Distt.- Aurangabad.
3. Ajit Kumar Sinha Son of Late Sachidanand Sinha. Resident of Village - Kharanti, P.S.-Obra, Distt.- Aurangabad.
4. Vir Prajapati Son of Bakhori Prajapati Resident of Village - Kharanti, P.S.- Obra, Distt.- Aurangabad.
5. Nandlal Pandey Son of Late Hit Narayan Pandey Resident of Village - Kharanti, P.S.-Obra, Distt.- Aurangabad.
6. Manoj Yadav Son of Shankar Yadav Resident of Village - Kharanti, P.S.- Obra, Distt.- Aurangabad.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Bachan Jee Ojha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Amit Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-12-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State as also learned counsel for the informant.

The appellants in the present case are seeking to challenge the order dated 22.10.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in A.B.P. No. 1261 of 2019 arising out of SC/ST P.S. Case no. 44 of 2019 registered for the offences under Sections 147, 341, 323, 504, 506 of the Indian Penal Code and Sections 3(i) (R) (S) / 3(2) (va) of SC/ST (Prevention of



Atrocities) Act.

By the impugned order prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the appellant submits that the present FIR has been lodged after three days of the alleged occurrence and the appellants have been implicated in this case due to political rivalry between the parties. It is further submitted that there is allegation of assault on the uncle of the informant but no injury has been caused to him. The appellant no. 6 has also lodged a case vide Obra P.S. Case no. 263 of 2019 against the informant of the present case.

Learned Spl. P.P. as well as learned counsel for the informant have opposed the prayer of anticipatory bail of the appellants.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that the appellant no. 6 had also lodged one FIR in respect of the same occurrence which had taken place on 07.10.2019 in which the informant of the present case is one of the accused along with others and in order to falsely implicate these appellants the present FIR has been lodged three days after the alleged occurrence and from a reading of the same it prima-



facie appears that both the parties are contesting against each other due to some political rivalry and further that in the alleged occurrence reported by the present informant though it is alleged that the Mukhiya Ajit Kumar Sinha had assaulted the uncle of the informant but there is no injury caused upon him as also the allegations are mostly vague and petty in nature, the impugned order dated 22.10.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in A.B.P. No. 1261 of 2019 arising out of SC/ST P.S. Case no. 44 of 2019 in respect of appellants is hereby set-aside.

Let the appellants above named in case of their arrest or surrender within a period of four weeks from today in connection with SC/ST P.S. Case no. 44 of 2019 be released on bail on furnishing of bail bonds 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 (SC/ST), 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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