

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5134 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- SC/ST District- Kaimur (Bhabua)

1. SHREE RAM BIND S/o Late Gudri Bind R/o Village- Ujari Darwa, P.S.- Chainpr, District- Kaimur at Bhabua
2. Bablu Bind S/o Shree Ram Bind R/o village- Ujari Darwa, P.S.- Chainpr, District- Kaimur at Bhabua
3. Anil Kumar S/o Deen Bandhu Bind R/o village- Ujari Darwa, P.S.- Chainpr, District- Kaimur at Bhabua
4. Madan Prasad @ Madan Bind S/o Ram Surat Bind R/o village- Ujari Darwa, P.S.- Chainpr, District- Kaimur at Bhabua
5. Mohan Bind S/o Late Pasram Bind R/o village- Ujari Darwa, P.S.- Chainpr, District- Kaimur at Bhabua

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Bidyanath Thakur, Advocate Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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.

The appellants in the present case are seeking to challenge the order dated 03.09.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in A.B.P. No. 839 of 2019 arising out of Bhabua SC/ST P.S. Case no. 25 of 2019 registered for the offences under Sections 341, 323, 337, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (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 appellants submits that there is no specific allegation against any of the appellants and there is two days delay in lodging the present case. It is further submitted that allegation of firing is palpably false as no one got any injury by the alleged firing.

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

Considering the facts and circumstances of the case wherein there are allegations of causing assault against appellants no. 1 and 2 and that they have got a case on their head of similar nature, this Court is not inclined to interfere with the impugned order as regards appellants no.1 and 2.

Their prayer for anticipatory bail is thus, refused.

In case the appellants no. 1 and 2 surrender and pray for regular bail before the learned court below withing a period of four weeks from today and it will be open for the appellants no. 1 and 2 to make all such submissions which are available to them including the FIR as contained at Annexure -2 to this application which will be considered by the learned court below



for the purpose of regular bail without being prejudiced by the present order.

So far as appellants no. 3, 4 and 5 are concerned, there are general and omnibus allegations against these appellants and they have no criminal antecedent, from a reading of the FIR also it appears that there is no prima-facie materials are there for the present against the appellants no. 3, 4 and 5 to connect them with the alleged offence under the SC/St Act, the impugned order dated 03.09.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in A.B.P. No. 839 of 2019 arising out of Bhabua SC/ST P.S. Case no. 25 of 2019 in respect of appellants no. 3, 4 and 5 is hereby set-aside.

Let the appellants no. 3, 4 and 5 above named in case of their arrest or surrender within a period of four weeks from today in connection with Bhabua SC/ST P.S. Case no. 25 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, Kaimur at Bhabua, 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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