

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5201 of 2019**

Arising Out of PS. Case No.-277 Year-2019 Thana- PIPRA District- East Champaran

1. Vinit Kumar Singh @ Vinit Kumar Son of Dhruv Singh, Resident of Village - Jahingra, P.S.- Pipra, District- East Champaran.
2. Rohit Kumar Son of Ajay Tiwari, Resident of Village - Jahingra, P.S.- Pipra, District- East Champaran.
3. Prince Kumar Son of Vijnand Tiwari, Resident of Village - Jahingra, P.S.- Pipra, District- East Champaran

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Advocate Ms.Rashmi Jha, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-11-2019 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 25.10.2019 passed in A.B.P. No. 2813 of 2019 arising out of Pipra P.S. Case No. 277 of 2019 registered under Sections 341, 323, 307/34 of the Indian Penal Code and Sections 3(i-s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellants has been rejected by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East



Champaran at Motihari.

Learned counsel for the appellants submits that on a bare reading of the written complaint giving rise to the present FIR it would appear that the specific allegation of giving assault by an iron rod on the victim is against Dheeraj Thakur. So far as these appellants are concerned, only vague and omnibus allegations have been made against them which are not corroborated from the injury report of the Sadar Hospital, Motihari annexed at Annexure '3' to the present memo of appeal which shows only one stitch wound was found on the head of the son of the informant.

Learned counsel has also shown from Annexure '2' that a counter case has been lodged against the informant side by one Seema Devi wife of Umesh Kumar Singh who has given a different version of the occurrence and has alleged that the informant side of this case were aggressor, further it is submitted that vide Annexure '4' the parties have entered into a compromise with an intention to live peacefully as they are co-villagers.

Learned Spl.P.P. for the State has though opposed the prayer for anticipatory bail of these appellants, however, it is not disputed that in the FIR the specific allegation of assault by iron



rod is against Dheeraj Thakur.

In the given facts and circumstances of the case, considering the submissions of the learned counsel for the appellants and looking into the injury report which provides for only one injury on the head of the victim and that has been attributed to one Dheeraj Thakur and further facts that there is a counter case also and now parties have entered into some sort of settlement with an intention to leave peacefully, let the impugned order dated 25.10.2019 passed in A.B.P. No. 2813 of 2019 arising out of Pipra P.S. Case No. 277 of 2019 by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari be set aside.

Let the appellants above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Pipra P.S. Case No. 277 of 2019, subject to the condition 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)

avin/ved

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

