

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5418 of 2019

Arising Out of PS. Case No.-16 Year-2018 Thana- SC/ST District- Saran

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1. UMESH SINGH Son of Late Harivansh Singh Resident of Village - Saraiya Basant, P.S.- Taraiya, District - Saran
 2. Yaduvansh Singh Son of Jay Bahadur Singh Resident of Village - Saraiya Basant, P.S.- Taraiya, District - Saran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harish Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-12-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal for anticipatory bail has been filed by the appellants apprehending their arrest in connection with SC/ST P.S. Case No. 16 of 2018 registered for the offence punishable under sections 323, 341 and 354 of the Indian Penal Code and section 3(1)(w)/3(1)(g)/ 3(2) va of SC/ST (Prevention of Atrocities) Act.

As per allegation made in the F.I.R., it is stated that in the year 1999, the father-in-law of the informant had purchased 3 katha 10 dhurs of land. It is further submitted that when the informant's devar and son attempted to construct house on the



said land on 23.05.2018, the accused persons including the appellants herein assaulted and abused them in the name of their caste. It is further stated that in the afternoon of 03.06.2018 when the informant along with her husband, devar and son was going towards the land in question, once again the accused persons including the appellants assaulted her husband and son. Thereafter, Brajendra Singh along with the appellant no. 1 is said to have assaulted and abused the informant in the name of her caste.

It is submitted by the learned counsel for the appellant that on the face of the allegations, the narration in the FIR is highly exaggerated and there is no explanation for delay in lodging of the FIR. While the occurrence is said to have taken place on 03.06.2018 but the FIR was registered on 14.06.2018 without any reason whatsoever with respect to the delay. It is further submitted that allegations are general and omnibus in nature. No one has sustained any injury and the appellants have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the above named appellants are directed to surrender in the court below within a period of six weeks from today and in the



event of their arrest or surrender, they shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Saran, Chapra/Additional Sessions Judge-1st Saran in connection with SC/ST. P.S. Case No. 16 of 2018, subject to the condition as laid down under section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Partha Sarthy, J)

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