

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5566 of 2019**

Arising Out of PS. Case No.-247 Year-2019 Thana- DHANARUA District- Patna

- 
- 
1. MAHENDRA BIND S/o- Sri Gurucharan Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.
  2. Ajay Bind @ Ajay Kumar S/o- Mahendra Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.
  3. Birendra Bind S/o- Sri Mahendra Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.
  4. Shiv Bind @ Shibendra Kumar S/o- Sri Gurucharan Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.
  5. Dharmendra Bind S/o- Sri Bhimlesh Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.
  6. Butai Bind @ Rahul Kumar S/o- Sri Bhimlesh Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.
  7. Yogendra Bind @ Yogi Bind S/o- Rameshwar Bind Resident of Village- Moriyawan Barbiga, P.S.- Dhanarua, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

---

---

**Appearance :**

|                      |   |                      |
|----------------------|---|----------------------|
| For the Appellant/s  | : | Mr.Vijay Kumar Sinha |
| For the Respondent/s | : | Mr.Sadanand Paswan   |

---

---

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      17-12-2019                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

The instant appeal under section 14A(2) of the SC and ST (Prevention of Atrocities) Act has been preferred against the rejection of appeal of the appellants vide order dated 14.11.2019 passed in A.B.P. No.8459 of 2019 arising out of Special Case No. 290 of 2019 (Dhanarua P.S. Case No. 247 of 2019) registered for offence under sections 323,324,307,341,342,504 and 506 of the Indian Penal Code and section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act.

As per allegation in the F.I.R, the accused persons



including the appellants herein came to the house of the informant and started to abuse him. It is stated that the informant and others were assaulted on their head and on leg etc. While going away the accused persons fired on the air abusing the informant in the name of his caste.

It is submitted by learned counsel for the appellants that from reading of the F.I.R. itself the occurrence cannot be said to have taken place in public view and as such the application filed for anticipatory bail in the case under the SC and ST (POA) Act would be maintainable.

It is submitted on behalf of the appellants that there is a case and counter case between the parties. The F.I.R. of the counter case having been brought on record as Annexure-3 to this application. It is further submitted that while persons on both the sides sustained injuries, from perusal of Annexure 2 series which are the injury reports of the informant's side, it can be seen that all injuries are simple in nature. On the side of the petitioners, nature of the injuries sustained is by sharp cutting weapon, although on the other side also injuries are simple in nature. It is further submitted that both the parties have settled the dispute between themselves, good relations have been restored and compromise petitions have been filed in both the



cases as a result of which the informant side has been granted bail in the F.I.R. registered by the petitioner's side.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case especially the fact that their being case and counter case, the nature of injuries and the settlement of the dispute between the parties, this Court is inclined to enlarge the appellants above named on bail. The appellants in the event of their arrest or surrender within six weeks, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 290 of 2019 (arising out of Dhanarua P.S. Case No. 247 of 2019) subject to the conditions stipulated under section 438(2) of the Code of Criminal Procedure.

The appeal stands allowed.

**(Partha Sarthy, J)**

Bibhash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

