

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.16 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. DHARMENDRA SINGH Son of Late Manshi Singh @ Munshi Singh @ Munshi Prasad Resident of Village - Ram Nagar Khairatiya Tola, P.S.-Jadipur, District- Patna
 2. Raju Singh @ Raju Kumar Son of Late Manshi Singh @ Munshi Singh @ Munshi Prasad Resident of Village - Ram Nagar Khairatiya Tola, P.S.-Jadipur, District- Patna

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Pratap Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 14-12-2020 Due to COVID-19 Pandemic, the matter is being

taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Re: I. A. No. 01 of 2020

The interlocutory application has been filed for
condonation of delay in filing the present memo of appeal.

In view of the grounds mentioned in the application,
the interlocutory application No. 01 of 2020 is ***allowed.***

The delay in filing the memo of appeal is condoned.

Heard the parties.

At the very outset, it is submitted that during
pendency of this appeal, the appellant No. 1 has been taken into
judicial custody and thereafter, he was granted bail by learned
court below itself.



Accordingly, this memo of appeal with regard to appellant No. 1 is dismissed as withdrawn.

Now, the matter relates to grant of anticipatory bail to the appellant No.2 in connection with Gopalganj P.S. Case No. 198 of 2019 registered for the offences under Sections 341, 323, 324, 379/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, at the time of reception of Barat of informant's cousin brother, the accused persons by derogating his caste name forbade to pass away the Barat from way but due intervention of people, quarrel was pacified. It is further alleged that the accused persons named in the FIR came on two motorcycles and began to assault the informant with rod and knife as a result of which, the informant sustained bleeding injury.

It has been submitted on behalf of the appellant No. 2 that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant No.2. The appellant No. 2 has falsely been implicated in the present case. General and omnibus allegation has been made against the appellant No. 2. No specific overt act is alleged against the appellant No. 2. There is case and counter



case between the parties. The nature of injury is said to be simple. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant No. 2 is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 19-07-2019 passed by learned Additional District & Sessions Judge-Ist, Gopalganj in Gopalganj P.S. Case No. 198 of 2019 is set aside in respect of appellant No. 2 only and the present Criminal Appeal is *allowed in part*.

Accordingly, let the appellant No. 2, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 198 of 2019.

(Sudhir Singh, J)

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