

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.557 of 2020**

Arising Out of PS. Case No.-85 Year-2019 Thana- SC/ST District- Rohtas

1. Lalbabu @ Dharmendra Singh @ Dharmendra Kumar Son of Late Babu Chandra Singh @ Late Babu Chand Singh Resident of Village - Chaira, P.O.- Sikarian, P.S.- Dargaon, District - Rohtas at Sasaram.
2. Upendra Singh Son of Late Babu Chandra Singh @ Late Babu Chand Singh Resident of Village - Chaira, P.O.- Sikarian, P.S.- Dargaon, District - Rohtas at Sasaram.
3. Prince Kumar Son of Dilip Singh Resident of Village - Chaira, P.O.- Sikarian, P.S.- Dargaon, District - Rohtas at Sasaram.

... .. Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants : Mr.Babu Nandan Prasad, Advocate

For the Respondent : Mr.Sadanand Paswan, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 05-10-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 20.01.2020 passed by learned Additional Sessions Judge –I, Rohtas at Sasaram in a case registered for the offence punishable under Sections 379/34 and other allied sections of the Indian Penal Code and Section 3 (2) (Va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

The informant alleges that because of previous dispute, appellants called him on Babhangwan Bypass and when he reached there they abused him by calling his caste name. They also assaulted the informant by means of belt and lathi.



Appellant no.2 snatched his mobile phone and Rs. 25,000/- from him.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to personal grudge. He submits that the FIR has been lodged by the informant after five days of the alleged occurrence without any explanation only to save the skin from Sasaram (Darigaon) Police Station Case No. 1026/2019 dated 23.11.2019, lodged by the father of appellant no.2 against the informant. The allegation is general and omnibus and from perusal of the FIR, no case is made out against the appellants. Appellants have got no criminal antecedent.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties, this appeal is allowed and the impugned order is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Rohtas at Sasaram in Dehri



SC/ST Police Station Case No. 85 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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