

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.677 of 2020**

Arising Out of PS. Case No.-146 Year-2018 Thana- KHAJAU LI District- Madhubani

Ghutlu Singh @ Ghural Singh Son of Bijendra Singh Resident of Village -  
Datuar, P.S.- Khajauli, District- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ravindra Kumar Singh, Adv.  
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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

3      06-10-2020                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State through video  
conferencing.

The instant appeal has been preferred against the order dated 22.1.2020 passed in A.B.P. No. 1821 of 2019 by the learned 1<sup>st</sup> Additional Sessions Judge, Madhubani whereby the prayer for anticipatory bail of the appellant in connection with Khajauli P.S. Case P.S. Case No. 146 of 2018 registered under section 307 and other sections of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per the allegation in the FIR, it is stated that while the informant's sister along with others were visiting the temple, Shankti Singh and 10-15 other persons were clicking photographs. On being asked not to take photograph it is stated



that the accused persons assaulted the informant and others for which a 'panchayati' was held but they were not ready to abide by the decision of the 'panchayat'. It is further stated that the 25 named accused persons including Pankaj Singh as also the appellant herein once again assaulted the informant and others and injured them.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. are false and concocted. The allegations are general and omnibus in nature. The victims have not sustained any injuries nor is there any injury report on record. It is further submitted that the victim do not belong to the SC/ST community and as such no offence under the SC and ST (Prevention of Atrocities) Act would be made out. It is finally submitted that the appellant has no criminal antecedent and the case of the appellant stands on a similar footing to that of co-accused Pankaj Singh who has been enlarged on bail vide order dated 22.7.2019 (Annexure-2) passed in Cr. Appeal (SJ) No.1477 of 2019.

The appeal is opposed by learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and in view of the submissions made on behalf of the appellant, the



appeal is allowed and the order dated 22.1.2020 passed in A.B.P. No.1821 of 2019 by the 1<sup>st</sup> Additional Sessions Judge, Madhubani, is set aside.

The appellant in the event of his arrest or surrender within eight weeks, is directed to be enlarged on bail in connection with Khajauli P.S. Case P.S. Case No. 146 of 2018 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 Additional Sessions Judge-cum-Special Judge 1<sup>st</sup>, Madhubani.

**(Partha Sarthy, J)**

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