

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.746 of 2020

Arising Out of PS. Case No.-223 Year-2018 Thana- PALASI District- Araria

1. Babu Lal Jha @ Shambhoo Nath Jha Son of Jay Nath Jha Resident of Village- Majlishpur, P.S.- Palasi, District- Araria.
2. Udyanand Sutihar Son of Late Anuplal Sutihar Resident of Village- Majlishpur, P.S.- Palasi, District- Araria.
3. Arun Kumar Mandal Son of Late Bikram Lal Mandal Resident of Village- Majlishpur, P.S.- Palasi, District- Araria.
4. Sikandar Mandal Son of Late Dhurilal Mandal Resident of Village- Majlishpur, P.S.- Palasi, District- Araria.
5. Rajeev Rishideo @ Lamboo Rishideo Son of Late Aklu Rishideo Resident of Village- Majlishpur, P.S.- Palasi, District- Araria.
6. Mahadeo Rishideo Son of Dukhay Rishideo Resident of Village- Majlishpur, P.S.- Palasi, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar Rana
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 28-09-2020 Heard learned counsel for appellants and learned Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 28-01-2020 passed by learned A.D.J.-I cum Special Judge, Araria in A.B.P. No. 126 of 2020 (arising out of Palasi P.S. Case No. 223 of 2018) registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code and Section 3(i)(r) of SC/ST Act, whereby the prayer for anticipatory bail of these appellants was rejected.



As per prosecution case, on 09-08-2018, while the informant, who is SHO of Palasi Police Station, got information that dead-body of kidnapped victim of Palasi P.S. Case No. 222/18 has been found lying in water of Surikia river, he proceeded towards the place of occurrence, but in the way, he came to know that villagers have blocked the chowk and when the informant with police force reached there, co-accused Santosh Jha alongwith 28 named and 300 to 400 unknown villagers attacked on the police force by *lathi* and bricks, as a result of which, informant alongwith other police men received injuries.

It is submitted on behalf of appellants that appellants are not named in the F.I.R. During course of investigation, name of appellants has surfaced. There is no allegation of any overt act against these appellants. Specific allegation of assault is against co-accused Santosh Jha. It is further submitted that on perusal of F.I.R., it is apparent that no case under the SC/ST Act is made out against appellants. Appellants have no criminal antecedent.

Considering the aforesaid facts & circumstances, this appeal is allowed and the impugned order dated 28-01-2020 passed by learned A.D.J.-I cum Special Judge, Araria in A.B.P.



No. 126 of 2020 (arising out of Palasi P.S. Case No. 223 of 2018) is set aside.

Accordingly, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the appellants, named above, be enlarged on 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 1st Additional Sessions Judge cum Special Judge, Araria in connection with Palasi P.S. Case No. 223 of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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