

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1106 of 2020**

Arising Out of PS. Case No.-268 Year-2019 Thana- UCHKAGAON District- Gopalganj

1. Shivji Singh @ Shivjee Singh S/o Late Sitaram Singh
2. Ajay Singh S/o Shivji Singh @ Shivjee Singh
3. Vijay Singh S/o Shivji Singh @ Shivjee Singh
All Resident of village- Mathauli Khas, P.S.- Uchakagaon, District-
Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan

For the Respondent/s : Mrs.Usha Kumari 1

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

3 17-12-2020 At the outset, it was informed by learned counsel for appellants that during pendency of this appeal, appellant no. 1 (Shivji Singh) has already been arrested and as such, he seeks permission to withdraw this appeal so far as appellant no. 1 Shivji Singh is concerned.

Permission granted. The appeal stands dismissed as withdrawn so far as appellant no. 1 is concerned.

Heard the parties.

The present appeal has been filed against order dated 13-02-2020 passed by learned A.D.J.-I-cum-Special Judge, Gopalganj in Uchakagaon P.S. Case No. 268 of 2019 registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 3(1)(R) & (2)(Va) of SC/ST Act,



whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, appellant no. 2 Ajay Singh is said to have assaulted the son of the informant by *farsa* and so far as appellant no. 3 Vijay Singh is concerned, it is alleged that he was also present there alongwith other co-accused persons.

It is submitted on behalf of appellants that there is case and counter case. From perusal of injury report (Annexure – 3), it appears that injury sustained by the son of informant has been found to be simple in nature caused by hard & blunt substance. The appellants have no criminal antecedent, which fact has been stated in paragraph – 3 of the memo of appeal. So far as allegation of abusing is concerned, same was against co-accused Shivji Singh.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 13-02-2020 passed by learned A.D.J.-I-cum-Special Judge, Gopalganj in Uchakagaon P.S. Case No. 268 of 2019 is set aside and appeal is allowed.

Accordingly, let the appellants no. 2 & 3 namely Ajay Singh and Vijay Singh, in the event of arrest or surrender within



a period of eight weeks from the date of receipt/production of copy of this order, 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 A.D.J.-I cum Special Judge, Gopalganj in connection with Uchakagaon P.S. Case No. 268 of 2019.

(Prabhat Kumar Singh, J.)

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