

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1257 of 2020

Arising Out of PS. Case No.-351 Year-2018 Thana- GAURICHAK District- Patna

1. Rudra Nath Singh Son of Late Deo Charan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
2. Bhagwat Sharan Singh Son of Late Yadu Nandan Prasad Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
3. Raju Kumar @ Naveen Kumar Son of Bhagwat Sharan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
4. Manish Singh @ Manish Kumar Son of Satish Kumar Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
5. Amit Singh @ Amit Kumar Son of Satish Kumar Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
6. Chhatish Singh @ Satish Kumar Son of Late Raghu Nandan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
7. Ramji Singh @ Ramji Prasad Singh Son of Late Deo Nandan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
8. Nepali Singh @ Nepal Singh Son of Late Deo Nandan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
9. Deepak Kumar @ Deepak Singh Son of Nepal Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
10. Munna Singh @ Munna Kumar Son of Umesh Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
11. Raman Bihari Singh Son of Late Guru Prasad Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
12. Umesh Singh Son of Late Raghu Nandan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
13. Pawan Singh @ Pawan Kumar @ Pawan Kumar Singh Son of Ramji Prasad Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
14. Ravi Ranjan Singh @ Ravi Ranjan Kumar Son of Vidya Nand Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
15. Naru Singh @ Neeraj Kumar Son of Siya Sharan Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
16. Raju Kumar Son of Ram Sewak Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
17. Ram Anugrah Singh @ Virendra Kumar Singh Son of Late Guru Prasad Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
18. Dilip Kumar Son of Ram Sewak Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
19. Kaushal Kishore Singh @ Kaushal Kishore Son of Late Guru Prasad Singh Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna
20. Siya Sharan Singh @ Shiya Sharan Singh Son of Late Ram Prasad Singh



Resident of Village - Sudiha, P.S.- Gaurichak, District- Patna ... Appellants
Versus

The State of Bihar ... Respondent

Appearance :

For the Appellants : Mr.Arun Kumar, Advocate

For the Respondent : Mr.Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-09-2020 The pre-arrest bail petition is dismissed as withdraw
in respect of appellant no.7, namely, Ramji Singh @ Ramji
Prasad Singh, as prayed by learned counsel for the appellants.

Heard learned counsel for the parties in respect of
other appellants through video conferencing.

The present appeal is directed against the order dated
20.02.2020 passed by learned Special Judge SC/ST Act, Patna
in a case registered for the offence punishable under Sections
307/506 and other allied sections of the Indian Penal Code,
sectin 27 of the Arms Act and Section 3 (i) (r) of the SC/ST Act,
whereby anticipatory bail of the appellants has been rejected.

The allegation against the appellants as per the First
Information Report is that on 27.9.2018 at about 12.30 in the
night all the appellants including other accused persons by
breaking open the door entered into the house of the informant,
abused her and opened fire and demanded Rs.5 lacs. They set
the house of the informant on fire and fled away making firing
and abusing the informant and his family members chanting the
caste name.

Learned counsel for the appellants submits that the
appellants have falsely been implicated in this case due to land
dispute between the parties. He further submits that in fact both
parties are on litigating terms and a number of civil and criminal



cases are pending between them. Present case is the counter blast to the cases filed by the appellants' side, bearing Gaurichak Police Station Case No. 332/2018 dated 19.9.2018, Gaurichak Police Station Case No. 52/2017 dated 9.3.2017, Gaurichak Police Station Case No. 53/2017 dated 9.3.2017 and Gaurichak Police Station Case No. 54/2017 dated 9.3.2017. From bare perusal of the FIR it would be apparent that no case under SC/ST Act is made out against the appellants.

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

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 20.02.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants (except appellant no.7), 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 Special Judge, SC/ST Act, Patna in Special case no. 515/2018, Gaurichak Police Station Case No. 351 of 2018, 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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