

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1360 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- PHULWARIYA District- Gopalganj

1. PRABHAT KUMAR SHARMA Son of Late Satendra Sharma Resident of Village- Madho Math, P.S.- Phulwaria, Distt.- Gopalganj, Bihar 841425.
2. Prafull Kumar Sharma @ Prashant Sharma Son of Late Satendra Sharma Resident of Village- Madho Math, P.S.- Phulwaria, Distt.- Gopalganj, Bihar 841425.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar
For the Respondent/s	:	Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-10-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 06.03.2020 passed by learned Special Judge-cum-Additional District and Sessions Judge I, Gopalganj in Phulwaria P.S. Case No. 19 of 2020 registered under Sections 341, 323, 307, 354 and 34 of the Indian Penal Code and under Sections 3(1)(r)(s)(w), 3(2)(v)(a) of the SC/ST Act.



As per prosecution case, on 21.01.2020 at 3.00 pm, while the informant's mother after taking her cow, was going to orchard, on her way, these appellants along with co-accused started abusing her by calling her caste name. It is further alleged that Prabhat Kumar Sharma appellant no. 1 threw her on the ground and took Daab from his house and is alleged to have given Daab blow on her head, as a result of which she sustained head injury and became senseless. Thereafter, she was taken to Gopalganj hospital from where she was referred to Gorakhpur.

It is submitted on behalf of the appellants that there is case and counter case. The case lodged by the appellants was earlier in point of time. There is general and omnibus allegation against these appellants. Admittedly, there is land dispute between the parties and a title suit no. 154 of 2019 is pending. Appellants have got clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances, this appeal is allowed. The impugned order dated 06.03.2020 passed by learned Special Judge-cum-Additional District and Sessions Judge I, Gopalganj in Phulwaria P.S. Case No. 19 of 2020 is set aside.

Let the appellants above-named in the event of their



arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, are directed to 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 the learned Additional District and Sessions Judge Ist, Gopalganj in connection with Phulwaria P.S. Case No. 19 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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