

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1372 of 2020

Arising Out of PS. Case No.-296 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. Kanhaee Kumar @ Kanhai Kumar , aged about 28 years, M, S/o Ajay Kumar Singh @ Sheo Pujan Singh
2. Raja Kumar @ Raja Babu @ Gautam Kumar aged about 21 years, M, S/o Ajay Kumar Singh @ Sheo Pujan Singh
both r/o Village-Daulatpur Chandi, PS-Hajipur, District-Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mrs. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2020 Heard Mr. Amresh Kumar Sinha, learned counsel for the appellants and Mrs. Usha Kumari No. 1, learned Spl. Public Prosecutor appearing for the State through video conferencing.

This appeal is directed against the order dated 23.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Hajipur, Vaishali in connection with Hajipur Sadar P.S. Case No. 296 of 2019 registered under Sections 147, 148, 149, 341, 323, 334, 333, 337, 353, 354, 307, 379, 504 and 506 of the I.P.C. and Section 3 (i)(r)(s) of the SC/ST Act whereby the prayer for anticipatory bail of the appellants has been rejected.

As per the prosecution story 49 accused persons including the appellants and 80-90 unknown miscreants blocked Lalganj Hajipur Main Road and when the informant who is a Police Officer arrived there and tried to disperse the



mob, they assaulted the informant by means of Lathi, due to which the informant and two other Police personnel received injuries. It has also been alleged that the Choukidar who was present at the place of occurrence was called by his caste name by the accused persons.

Learned counsel for the appellants submits that the appellants have not committed any offence in the manner alleged. Learned counsel further submits that they have been implicated in this case due to oblique motive and taking allegation into account no specific allegation has been levelled against the appellants and the same is general and omnibus in nature. Learned counsel further submits that the Choukidar Laldeo Paswan had appeared before the learned court below and filed a petition denying his presence at the place of occurrence. Learned counsel further submits that similarly situated accused persons have been granted anticipatory bail by a co-ordinate Bench of this court vide Criminal Appeal (SJ) Nos. 4468 of 2019, 4304 of 2019, 3938 of 2019 & 3795 of 2019 (Annexure -2 Series).

Having regard to the submissions made by the parties, taking into consideration the materials available on record and the fact that similarly situated accused persons have been



granted bail by this court, this appeal is allowed and the impugned order dated 23.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in ABP No. 1743 of 2019 is hereby set aside.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today by the appellants, above named, 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 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in connection with Hajipur Sadar P.S. Case No. 296 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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