

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1406 of 2020

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

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1. INDRAJEET PRASAD Son of Late Ramanand Prasad Resident of Village- Sarafara, Ward No.6, P.S.- Barauli, Distt- Gopalganj.
 2. Bharat Prasad S/o Shiv Shankar Prasad Resident of Village- Sarafara, Ward No.6, P.S.- Barauli, Distt- Gopalganj.
 3. Awanish Prasad @ Awanish Kr Prasad S/o Indrajeet Prasad Resident of Village- Sarafara, Ward No.6, P.S.- Barauli, Distt- Gopalganj.
 4. Vishal Prasad @ Vishal Kr Prasad S/o Bharat Prasad Resident of Village- Sarafara, Ward No.6, P.S.- Barauli, Distt- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Ramadhar Shekhar, Advocate
For the Respondent/s : Mr Binay Krishna, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the appellants and the learned Special PP for the State.

Appellants seek bail in a case registered under



Sections 341, 323, 324, 385, 379, 504/34 of Indian Penal Code and Sections 3 (i) (r) (s) (w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, SC/ST Act).

Learned counsel for the appellants submits that implication of appellants is counterblast of Barauli Police Station Case No 18 of 2020, lodged by the appellants earlier. Falsity of the allegation is evident from the fact that there is no injury report corroborating the alleged injury inflicted by the appellants. The allegations under the SC/ST Act is only super addition to make the offences look grave. Case and counter case arise out of a dispute regarding the construction of drain.

The learned Special PP has opposed the prayer for anticipatory bail. It is submitted that as per allegations, offences under SC/ST Act are prima facie made out against the appellants, and prayer for anticipatory bail would not be maintainable.

Being faced with such submission, the learned counsel for the appellants seeks permission to withdraw this appeal with liberty to raise the aforesaid submission before the Court below for grant of regular bail. It is also submitted that the case now stands compromised between the parties. It is further submitted that the appellants would also be placing



before the Court below the compromise petition.

In view of the aforesaid submission, this Court would only observe that the fact of compromise will be required to be considered by the Court below while hearing the appellants' prayer for grant of regular bail in accordance with law. Withdrawal of the instant case would be of no bearing on the prayer for regular bail, which, needless to say, must be decided in accordance with law.

With the aforesaid liberty, this appeal is permitted to be withdrawn.

Learned counsel for the appellants is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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