

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1638 of 2020**

Arising Out of PS. Case No.-140 Year-2020 Thana- AGAMKUAN District- Patna

1. SHEELWANT SINGH S/O Late Ram Bujhawan Singh Resident of 673 AB/2 progressive Colony, Bhagwat Nagar, Kumharar, P.S. - Agam Kuan, District - Patna.
2. Mukesh Kumar S/O- Naresh Prasad Resident of 673 AB/2 progressive Colony, Bhagwat Nagar, Kumharar, P.S. - Agam Kuan, District - Patna.
3. Baby Kumari Wife of Mukesh Kumar Resident of 673 AB/2 progressive Colony, Bhagwat Nagar, Kumharar, P.S. - Agam Kuan, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prem Ranjan Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Spl. P.P.

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

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 04.03.2020, passed by learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in a case registered for the offence punishable under Sections 341, 342, 323, 427, 504, 506 and 34 of the Indian Penal Code and Section 3 (I) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

The prosecution case in brief is that on 16.02.2020, it is alleged that the appellants came to the flat of the informant,



abused and humiliated him by calling his caste name and also threw his household articles. They were asking for the rent to be paid by the informant.

Learned counsel for the appellants submits that appellant no.1 is an old man aged about 65 years, appellant no.2 is the nephew of the appellant no.1 and caretaker of the building, and appellant no.3 is the wife of the appellant no.2. There is dispute between the parties over the payment of rent which is not being paid by the informant, as a result of which, these appellants asked the informant to vacate the flat and taking advantage of the same, this false case has been lodged by the informant against the appellants. It is stated in paragraph no.3 of memo of the appeal that appellants have got clean antecedent.

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 and the background of dispute between the parties, this appeal is allowed and the impugned order dated 04.03.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, 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 Additional Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Special Case No. 88 of 2020 arising out of Agam Kuan Police Station Case No. 140 of 2020.

(Prabhat Kumar Singh, J)

Ankit/-

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