

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1904 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- BAGHA District- West Champaran

1. Sunil Singh S/o Late Vishwanath Singh Resident of Village- Kapardhika, P.S.- Bhairoganj, District- West Champaran.
2. Himanshu Singh S/o Shatrudhan Singh Resident of Village- Kapardhika, P.S.- Bhairoganj, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mrs.Usha Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2020 Heard learned counsel for appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 30-06-2020 passed by learned A.D.J.-I cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in Bagaha (Bhairoganj) P.S. Case No. 105 of 2020 registered for the offence punishable under Sections 147/149/341/323/379/427/354/504/506 of the Indian Penal Code and Section 3(i)(r)(s)(w)(i)/3(2)(va) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 22-02-2020 at about 7:00 PM, while the informant was at his door, all the accused



persons, including these appellants, armed with different weapons attacked the informant and they also abused informant by his caste name.

It is submitted on behalf of appellants that series of litigation is pending between the parties. There is land dispute. Earlier also, a case, bearing Bhairoganj P.S. Case No. 486 of 2013, was lodged by the informant side. There is general and omnibus allegation and no specific allegation of assault or abuse has been alleged against these appellants. The appellants have got no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 30-06-2020 passed by learned A.D.J.-I cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in Bagaha (Bhairoganj) P.S. Case No. 105 of 2020 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, 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 learned A.D.J.-I cum Special Judge (SC/ST/POCSO Act),
Bettiah, West Champaran in connection with Bagaha
(Bhairoganj) P.S. Case No. 105 of 2020.

(Prabhat Kumar Singh, J.)

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