

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4669 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- DIGHWARA District- Saran

1. Jagat Singh, Male, aged near about 65 years, S/o Late Ram Saran Singh, R/o Village- Barbana Manjhaunwa, P.S.- Dighwara, District- Saran.
2. Vikash Kumar Singh @ Vicy Singh, Male, aged near about 30 years, S/o Jagat Singh, R/o village- Barbana Manjhaunwa, P.S.- Dighwara, District- Saran.
3. Suresh Singh, Male, aged near about 60 years, S/o Late Ram Saran Singh, R/o village- Barbana Manjhaunwa, P.S.- Dighwara, District- Saran.
4. Bipin Singh, Male, aged near about 50 years, S/o Late Ram Saran Singh, R/o village- Barbana Manjhaunwa, P.S.- Dighwara, District- Saran.
5. Amit Kumar, Male, aged near about 20 years, S/o Suresh Singh, R/o village- Barbana Manjhaunwa, P.S.- Dighwara, District- Saran.
6. Aman Kumar, Male, aged near about 22 years, S/o Suresh Singh, R/o village- Barbana Manjhaunwa, P.S.- Dighwara, District- Saran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Arvind Kumar Sinha, Advocate.
For the Respondent	:	Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the parties.



The matter relates to grant of anticipatory bail to the appellants in connection with Dighwara P.S. Case No. 83 of 2019, registered for the offences under Sections 341, 323, 427, 504/34 of the I.P.C. read with Sections 3(i)(r)(s) of SC/ST Act.

The prosecution case, in short, is that on 14.04.2019 at about 10.30 A.M., when a new road is being constructed starting from its private land in presence of the Ward Member, accused persons considering the informant belonging to weaker section, entered in his house and by using his caste name assaulted him with Farsa, fists and slaps. They also gave threatening not to speak in loud voice otherwise he will be not allowed to live in the village. They have also damaged the hand pipe of the informant. Hence, he requested to enquire into the matter and award severe punishment to the guilty persons.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. General and omnibus allegation has been made against them. No specific overtact is alleged against them. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present



case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 30.08.2019, passed in A.B.P. No. 1915 of 2019, arising out of Dighwara P.S. Case No. 83/19 by learned Additional District and Sessions Judge, Saran at Chapra, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Additional District and Sessions Judge, Saran at Chapra in Dighwara P.S. Case No. 83/19.

(Sudhir Singh, J)

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