

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5749 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- DIGHALBANK District- Kishanganj

1. BHOLA ALAM @ SHAMIM AKHTAR @ BHOLA S/o Ijabul Resident of Haldaban, P.S.- Dighalbank, District- Kishanganj
2. Chandan Kumar Ganesh @ Chandan Kumar Singh S/o Shiv Kumar Ganesh Resident of Nainbhitta, P.S.- Dighalbank, District- Kishanganj
3. Pankaj Kumar Ganesh @ Pankaj Kumar Singh S/o Shiv Kumar Ganesh Resident of Nainbhitta, P.S.- Dighalbank, District- Kishanganj
4. Abhinash Kumar S/o Shankar Kumar Anand Resident of Nainbhitt, P.S.- Dighalbank, District- Kishanganj

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr. Raj Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-01-2020 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants in the present appeal are seeking setting aside of the order dated 02.12.2019 passed by learned Additional Sessions Judge I-cum-Special Judge, Kishanganj in A.B.P. No. 57 of 2019 arising out of Dighalbank P.S. Case No. 93 of 2019 registered for the offences punishable under Sections 341, 342, 323, 504, 324, 307, 379, 120-B/34 of the Indian Penal Code and Sections 3(i) (r) (s) of the SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer for anticipatory bail of the appellants has been refused.



Learned counsel for the appellants submits that in course of investigation it has been revealed that the informant used to enter into the village in intoxicated condition and had been abusing the villagers in which the alleged occurrence is said to have taken place.

Learned Spl. P.P. for the State submits that in the FIR specific allegations are there against two accused namely, Shankar Anand and Bhola Alam, the prayer for anticipatory bail of the accused Shankar Anand has already been rejected in Cr. Appeal (SJ) No. 5446 of 2019 and therefore, considering the allegation against Bhola Alam (appellant No. 1) at least he does not deserve privilege of anticipatory bail. It is however, accepted that so far appellants no. 2 to 4 there are general kind of allegation against them.

Considering the facts and circumstances of the case wherein there is specific allegation against appellant no. 1, this Court refused to grant privilege of anticipatory bail to Bhola Alam (appellant no. 1), his prayer is refused.

In case appellant no. 1 surrenders and prays for regular bail before the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order



of this Court.

So far as appellants no. 2 to 4 are concerned, there being general and omnibus allegations and that they are co-villagers of the informant and further that they have no criminal antecedent as also there being no submission that release of these appellants on anticipatory bail is otherwise likely to interfere with the investigation or course of trial, let the impugned order dated 02.12.2019 passed by learned Additional Sessions Judge I-cum-Special Judge, Kishanganj in A.B.P. No. 57 of 2019 arising out of Dighalbank P.S. Cae No. 93 of 2019 be set aside in respect of appellants no. 2 to 4.

Let the appellants no. 2 to 4 above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge I-cum-Special Judge, Kishanganj in connection with Dighalbank P.S. Cae No. 93 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

The appeal stands disposed of.

(Rajeev Ranjan Prasad, J)

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