

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL APPEAL (SJ) No.1215 of 2021**

Arising Out of PS. Case No.-156 Year-2020 Thana- GAUTAMBUDHNAGAR District-  
Siwan

- 
1. Awadhesh Kumar Singh @ Awadhesh Singh Son of Late Ramjeet Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan
  2. Ramashankar Singh Son of Late Ramjeet Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan
  3. Pradeep Kumar Singh @ Pradeep Kumar @ Bhutu Singh Son of Late Babulal Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan
  4. Dhrup Singh @ Dhruva Nath Singh Son of Late Baldeo Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan
  5. Pushkar Kumar Son of Vijay Kumar Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan
  6. Bhupendra Kumar Singh @ Bhupesh Kumar Singh Son of Dhrup Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan
  7. Bhashkar Kumar Son of Awadhesh Singh Resident of Village- Hariharpur Lalgarh, P.S.- G.B.Nagar, Distt- Siwan

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr.Sanjay Kumar Singh  
For the Respondent/s : Mr. Naresh Prasad, Adv.

---

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      29-07-2021                      Heard learned counsel for the appellants and the State through virtual mode.

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

At the outset, learned counsel for the appellants seeks permission to withdraw this application with regard to appellant No. 7 namely Bhashkar Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.



Accordingly, this appeal with regard to the appellant No. 7 namely Bhaskar Kumar is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the appellant Nos. 1 to 6 in connection with Gautam Budh Nagar P.S. Case No. 156 of 2020 registered for the offences under Sections 341, 323, 324, 337, 147, 149, 504, 325, 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, in the backdrop of petty feud, the accused persons assaulted the informant, her husband and son as a result of which, they sustained injuries. It is further alleged that while the injured were being taken towards home, the accused persons taking caste name, started abusing and also brick batting.

It has been submitted on behalf of the appellant Nos. 1 to 6 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the appellants has not been explained by the prosecution. The prosecution has not come with clean hands. There is admitted land dispute between the parties, which is evident from Annexure-3 to the present appeal. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.



On behalf of the State, it is submitted that the appellant Nos. 1 to 6 are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 04-11-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Siwan in Gautam Budh Nagar P.S. Case No. 156 of 2020 is set aside with regard to the appellant Nos. 1 to 6 only. The present Criminal Appeal is *allowed* with regard to the appellant Nos. 1 to 6 only.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the appellant Nos. 1 to 6, 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 their personal bond to the satisfaction of learned Additional Sessions Judge-Ist-cum-Special Judge, Siwan in connection with Gautam Budh Nagar P.S. Case No. 156 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

A.K.V.//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

