

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1133 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- BANIAPUR District- Saran

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1. Ravi Singh, Aged about 30 years, Male, Son of Krishna Singh, Resident of Village- Suhahi Gajan, P.S.- Baniyapur, District- Saran at Chapra.
 2. Shashi Singh, Aged about 28 years, Male, Son of Krishna Singh, Resident of Village- Suhahi Gajan, P.S.- Baniyapur, District- Saran at Chapra.
 3. Prabhakar Singh, Aged about 25 years, Male, Son of Late Parmatma Singh, Resident of Village Suhahi Gajan, P.S. Baniyapur, District Saran at Chapra.
 4. Brij Kishore Singh @ Vrij Kishore Singh, Aged about 28 years, Male, Son of Jay Kishun Singh, Resident of Village Suhahi Gajan, P.S. Baniyapur, District Saran at Chapra.
 5. Raj Kumar Singh, Aged about 20 years, Male, Son of Jay Kishun Singh, Resident of Village Suhahi Gajan, P.S. Baniyapur, District Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Radha Mohan Singh, Advocate
		Mr. Satya Prakash, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-04-2021 Mr. Radha Mohan Singh, the learned counsel for the appellants submits that Ravi Singh, appellant no.1 and Shashi Singh, appellant no.2 have already surrendered, therefore, this appeal for grant of anticipatory bail filed on their behalf has become infructuous.

Accordingly, the appeal filed on behalf of Ravi Singh, appellant no.1 and Shashi Singh, appellant no.2 is dismissed as having become infructuous.

Heard Mr. Radha Mohan Singh, the learned counsel



for the appellants and Mr. Binay Krishna, the learned Special P.P. through video conferencing.

The appellants filed this appeal under Sections 14 A (2) of the SC/ST (POA) Act against the order dated 09.11.2020, passed in ABP No.1969 of 2020, by which the learned Special Judge SC/ST (POA) Act, Saran at Chapra rejected the anticipatory bail petition of the appellants in Baniyapur P.S. Case No.196 of 2020.

The informant in sum and substance alleged that on 28.06.2020 while his son, Prem Kumar, aged about 1½ years was playing at his door, Ravi Singh dashed him. His son after having received injury fell down on the ground. The informant requested Ravi Singh to drive the motorcycle carefully. On such, Ravi Singh, Shashi Singh, Nishu Singh, Buchul Singh and Prabhakar Singh, appellant no.3, came at the door of the informant and began to abuse by naming his caste. When the informant protested, they assaulted him with sticks. Brij Kishore Singh, appellant no.4 is said to have torn the blouse of his sister-in-law and pulled her *Saari* with bad intention. It is further alleged that Nishu Singh assaulted the informant with *farsa* and the informant fell down after becoming unconscious. When Punam Devi, wife of the informant, came to save, Santosh



Singh snatched chain made of gold from her neck. When Maya Devi, mother of the informant came to save, Buchul Singh assaulted her with knife. Sadhu Saran Singh and Raj Kumar Singh, appellant no.5 also assaulted them.

Learned counsel for the appellants submits that true story is that the daughter of Vikash Kumar Singh was assaulted by the informant and his family members. When Vikash Kumar Singh went to inquire about the occurrence, the informant and his family members brutally assaulted Vikash Kumar Singh for which Vikash Kumar Singh lodged Baniyapur P.S. Case No.195 of 2020. In order to save the informant and his family members, the informant lodged this present case. It is further submitted that from perusal of the injury report, Annexure-4 series, it appears that the informant got lacerated wounds and all are superficial and simple in nature. Similarly, Maya Devi and Punam Devi got swelling injuries, which are simple in nature and, therefore, the allegation that the accused persons indiscriminately assaulted the informant and his family members is falsified. The injury appears to have been caused on account of some scuffle. No offence under any section of the SC/ST Act is made out as the occurrence took place due to some scuffle on account of dispute between the children of the two



families.

The learned Special P.P. however, opposed the prayer for anticipatory bail of the appellants and submits that there is specific allegation against Brij Kishore Singh, appellant no.4 that he pulled the *Saari* of the sister-in-law of the informant and also torn her blouse.

Having considered the submissions and on perusal of the records, it appears that there is case and counter case. From the side of the appellants, Vikash Kumar Singh lodged Baniyapur P.S. Case No.195 of 2020 in which he named the informant of the present case and his family members. Thereafter the present case has been lodged and the informant made allegation against the appellants and others. This fact itself shows that members of the two families entered into a scuffle on account of dispute and quarreling of children.

Taking into consideration the facts aforesaid, I find that Prabhakar Singh, appellant no.3, Brij Kishore Singh @ Vrij Kishore Singh, appellant no.4 and Raj Kumar Singh, appellant no.5 deserve anticipatory bail.

Accordingly, the order dated 09.11.2020, passed in ABP No.1969 of 2020 is set aside. The appeal is allowed.

Appellants No.3, 4 and 5, namely, Prabhakar Singh,



Brij Kishore Singh @ Vrij Kishore Singh and Raj Kumar Singh respectively in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Baniyapur P.S. Case No.196 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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