

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.118 of 2020

Arising Out of PS. Case No.-252 Year-2019 Thana- RAJPUR District- Buxar

1. Akhilesh Kumar Singh @ Akhilesh Kumar Kharwar @ Akhilesh Singh, aged about 24 years, Male, Son of Late Indradeo Singh, Resident of Village-Srikantpur, P.S.-Rajpur, District-Buxar.
2. Parmeshwar Singh @ Parmesh Singh @ Parmesh Kharwar, aged about 41 years, Male, Son of Late Indradeo Singh, Resident of Village-Srikantpur, P.S.-Rajpur, District-Buxar.
3. Bikash Kumar Singh @ Bikash Singh @ Bikash Kharwar, aged about 19 years, Male, Son of Parmeshwar Singh @ Parmesh Singh @ Parmesh Kharwar, Resident of Village-Srikantpur, P.S.-Rajpur, District-Buxar.
4. Rakesh Kumar Singh @ Rakesh Kuamr @ Rakesh Kharwar, aged about 21 years, Male, Son of Parmeshwar Singh @ Parmesh Singh @ Parmesh Kharwar, Resident of Village-Srikantpur, P.S.-Rajpur, District-Buxar.
5. Abhilash Singh @ Abhilash Kumar @ Abhilash Kharwar, aged about 21 years, Male, Son of Akhilesh Kumar Singh @ Akhilesh Kumar Kharwar @ Akhilesh Singh, Resident of Village-Srikantpur, P.S.-Rajpur, District-Buxar.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Anil Kumar Singh, Advocate.
For the Respondent	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-06-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

The matter relates to grant of anticipatory bail to the appellants in (SC/ST) A.B.P. No. 1195/2019, arising out of Rajpur P.S. Case No. 252/2019, registered for the offences under Sections 147, 149, 341, 323, 308, 379, 354(A), 435, 427, 504, 506 of the I.P.C. and 3(1)(r)(s) of the SC/ST Act.



The prosecution case, in short, is that on 06.11.2019 at 7 O'clock, in the evening, while the informant was sitting at her door, all the appellants came armed with Lathi, Danda and started to abuse calling her caste name, When the husband of the informant came to rescue her, they have also assaulted him with Lathi causing injury upon his head. Other persons have also received injuries.

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 them. There is case and counter case between the parties. Injuries on the side of the appellants have not been explained by the prosecution. The prosecution has not come with clean hands. The appellants also belong to SC/ST category. Hence offence under SC/ST Act is not applicable in the present case. In course of investigation, the allegation in respect of SC/ST Act has also been found to be false by the Investigating Officer. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted 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 12.12.2019, passed in (SC/ST) A.B.P. No. 1195/2019, arising out of Rajpur P.S. Case No. 252/2019 by learned Additional Sessions Judge Ist-cum-Special Judge, Buxar, is set aside. The criminal appeal is allowed.

Let 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 their personal bond to the satisfaction of the learned Additional Sessions Judge- Ist--cum-Special Judge, Buxar, in connection with Rajpur P.S. Case No. 252/2019.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each 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)

U.K./-

U		T	
---	--	---	--

