

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1298 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- SC/ST District- Bhojpur

- =====
1. VIKI KUMAR Son of ASHOK Singh Resident of Village - Jawahar Tola, P.S. - Ara (Nawada), District - Bhojpur at Ara, Pin Code - 802301(Bihar).
 2. Raja Kumar Son of Ashok Singh Resident of Village - Jawahar Tola, P.S. - Ara (Nawada), District - Bhojpur at Ara, Pin Code - 802301(Bihar).
 3. Lallu Kumar Singh Son of Ashok Singh Resident of Village - Jawahar Tola, P.S. - Ara (Nawada), District - Bhojpur at Ara, Pin Code - 802301(Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Uday Kumar
For the Respondent/s : Mr. Sadanand Paswan.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-08-2021 Heard the learned counsel for the appellants

and the learned Special Public Prosecutor for the State.

The application with respect to appellant no. 3

had earlier been withdrawn with the permission of this

Court vide order dated 09.07.2021.

The appellant nos. 1 and 2 have challenged



the order dated 05.12.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara in A.B.P. No. 2137/2020 arising out of Bhojpur SC/ST P.S. Case No. 76 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 379, 308, 504 and 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) Act has been rejected.

The grandson of the informant is said to have been assaulted first by one Sonu Kumar. Later, when the informant and her son went to complain against such act of assault on her grandson, all the accused persons including the appellants assaulted them. The appellant no. 2 is specifically alleged to have assaulted one Bittu Kumar.

The learned counsel for the appellants on the earlier occasion was not in a position to inform this Court about the injury suffered by Bittu Kumar. Since appellant no. 1 was not alleged to have done anything, he was



granted provisional bail and with respect to appellant no. 2, case diary was called for.

Mr. Sadanand Paswan, learned Special Public Prosecutor for the State, on perusal of the case diary has stated that there is no injury report on record but there is a statement in the case-diary indicating that general treatment was given to aforesaid Bittu Kumar.

Considering the afore-noted background facts, the the order dated 05.12.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara, is set aside.

The appeal stands allowed.

The provisional granted to the appellant no. 1/Viki Kumar, is hereby confirmed. He shall remain on the same bail bonds.

The appellant no. 2/Raja Kumar is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of



this order on his furnishing bail bonds in the sum of Rs.
10,000 (Rs. Ten Thousand) with two sureties of like
amount each to the satisfaction of learned 1st Additional
Sessions Judge, Bhojpur, Ara in connection with
Bhojpur SC/ST P.S. Case No. 76 of 2020.

The appeal stands disposed of accordingly.

(Ashutosh Kumar, J)

sunilkumar/-

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

