

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1527 of 2021

Arising Out of PS. Case No.-457 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Rakesh Prasad Singh @ Rakesh Singh Son of - Late Tarkeshwar Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
2. Nitish Kumar Singh @ Nitish Kumar @ Rohit Raj Singh Son of - Late Sudarshan Prasad Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
3. Dewanand Kumar @ Dewanand Kumar Singh @ Dewanand Singh Son of - Shri Bhagwan Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
4. Motilal Singh Son of - Late Laddu Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
5. Jawahar Singh @ Jawahir Singh Son of - Late Laddu Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
6. Punyadeo Kumar Sah @ Punyadeo Sah Son of - Badri Sah Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
7. Prakash Saha @ Prakash Sah Son of - Sagar Sah @ Brij Kishor Sah Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
8. Shankar Sah Son of - Saryu Sah Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
9. Kameshwar Sah Son of - Late Gugul Sah Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
10. Shri Bhagwan Singh Son of - Late Laddu Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
11. Sheojee Singh Son of - Late Tarkeshwar Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
12. Anish Kumar Singh @ Anish Singh Son of - Baban Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
13. Tinku Singh Son of - Pashpati Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.
14. Ritik Raj Singh Son of - Late Sudarshan Prasad Singh Resident of Village- Lohara, P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.A.G.



CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2021 Heard learned counsel for the appellants and

learned APP for the State.

Learned counsel for the appellants is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The appellants have challenged the order dated 12.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 457 of 2020 instituted for the offences under Sections 143, 323, 354, 379 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby the prayer for being released on anticipatory bail has been rejected.

Learned counsel for the appellants submits



that the allegation against the appellants is omnibus and general and there is counter version of the occurrence also. There is also a land dispute between the parties and in the background of land dispute, this false case has been instituted against the appellants. Moreover, the occurrence has not been committed in public view, hence the provisions of the SC/ST Act shall not be attracted. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 12.11.2020. The appeal is hereby allowed.

The appellants, above named are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST (POA) Act,
Saran at Chapra in connection with Chapra Mufassil
P.S. Case No. 457 of 2020.

(Sunil Kumar Panwar, J)

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