

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1321 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- THAWE District- Gopalganj

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1. Narayan Singh, aged about 85 years, male, Son of Late Shyama Singh.
 2. Amar Singh, aged about 70 years, male (wrongly mentioned age 55 years in the F.I.R.), Son of Late Jaynath Singh.
 3. Kameshwar Singh, aged about 45 years, male, Son of Late Jaynath Singh.
- All are resident of Village - Ramchandrapur, P.S. - Thawe, District - Gopalganj-841440.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 03-09-2021 Heard Mr. Surendra Kishore Thakur, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 23.12.2020 passed by the learned Additional Sessions Judge-I-Cum-Special Judge, SC/ST, Gopalganj in



connection with Thawe P.S. Case No. 220 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 427, 435, 504 and 506 of the Indian Penal Code, Sections 3(i)(r)(s)(w)(z) and 3(ii)(v) of the S.C./S.T. (Prevention of Atrocities) Act, 1989 and Section 27 of the Arms Act, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that the appellants and others abused, assaulted and fired at the members of the prosecution party, leading to injuries on some of the victims.

It has been urged on behalf of the appellants that there is a counter version of the occurrence and two persons from their side also have been injured. Apart from this, it has been submitted that there is a dispute over a plot of land which was auction-purchased by the family members of the appellants. Since a claim was staked over such land by the informant and others, a proceeding under Sections 107 and 144 of the Cr.P.C. also was initiated.

The learned counsel for the appellants has



submitted that two of the accused persons of this case, who are specifically alleged to have opened fire, have been granted the privilege of anticipatory bail by a Bench of this Court.

This Court had, by order dated 09.07.2021, called for the case diary and had granted provisional bail to the appellants for finding out the nature of injuries suffered by the victims of the subject F.I.R.

It appears that almost all the victims have suffered simple injuries and the nature of the few of the injuries on them could not be ascertained as the C.T. Scan report was still awaited. However, from the dimensions of the injuries, all appeared to be simple in nature.

Regard being had to the facts afore-stated, namely, the background of dispute over a plot of land, a proceeding under Sections 107 and 144 of the Cr.P.C. between the parties and the persons from the side of the appellants also having been injured in the occurrence, the order impugned in the present appeal, dated 23.12.2020, is set-aside.



The appeal stands allowed.

The provisional bail granted to the appellants
vide order dated 09.07.2021 is, hereby, confirmed. They
shall remain on the same bail-bonds.

(Ashutosh Kumar, J)

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