

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2023 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- PARSA District- Saran

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1. ROHIT KUMAR, Son of Mahesh Rai R/o- Chandpura Parsa, P.S.- Parsa, District- Saran (Chhapra)
 2. BABAN RAI, Son of Late Munshi Rai R/o- Chandpura Parsa, P.S.- Parsa, District- Saran (Chhapra)
 3. DILAP RAI, Son of Babu Rai R/o- Chandpura Parsa, P.S.- Parsa, District- Saran (Chhapra)
 4. SHAYAMBABU KUMAR, Son of Rambahadur Rai R/o Chandpura Parsa, P.S.- Parsa, District- Saran (Chhapra)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-07-2021 Mr. Ghanshyam Tiwary, learned counsel for the appellants seeks permission to withdraw this appeal with respect to appellant nos. 1, 3 and 4 as they have been arrested.

The appeal with respect to appellant nos. 1, 3



and 4 is dismissed as withdrawn.

The appellant no. 2 has challenged the order, dated 09.12.2020, passed by the learned Additional Sessions Judge – I cum Special Judge SC/ST (POA), Saran at Chapra, in connection with 3043 of 2020, arising out of Parsa P. S. Case No. 66 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 143, 148, 149, 341, 342, 343, 504, 385, 354, 427, 436 and 379 of the Indian Penal Code; Section 27 of the Arms Act, 1959; and Section 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that several persons, numbering about 50, assaulted the informant and other members of the prosecution party and divested them of their personal belongings.

It has been submitted on behalf of appellant no. 2 that though he has been named in the F.I.R. but



no specific accusation has been levelled against him.

There is a counter version of the occurrence also.

Considering the afore-stated facts and taking into account the futility of the litigation, the parties have also settled their differences and they do not wish to prosecute each other now.

Regard being had to the afore-stated facts, the order, dated 09.12.2020, passed by the learned Additional Sessions Judge – I cum Special Judge SC/ST (POA), Saran at Chapra, is set aside.

The appeal stands allowed.

The appellant no. 2, above-named, 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge – I cum Special Judge SC/ST (POA),
Saran at Chapra, in connection with Parsa P. S. Case
No. 66 of 2020, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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