

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.401 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- KHAJAULI District- Madhubani

1. Prashant Singh @ Prashant Kumar Singh, Sex-M, Aged about 22 years, S/o Shailendra Singh @ Shailendra Kumar Singh, R/o village Tarapatti, P.S. Khajauli, District Madhubani.
2. Niraj Kumar Singh @ Pappu Singh, Sex-M, Aged about 47 years, S/o Maksudan Singh @ Madhusudan Singh, R/o village Tarapatti, P.S. Khajauli, District Madhubani.
3. Dine Singh @ Dineshwar Prasad Singh, Sex-M, Aged about 45 years, S/o Late Lachho Singh, R/o village Tarapatti, P.S. Khajauli, District Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-02-2021 Heard Mr. Sanjay Kumar, the learned counsel for the appellants and Mr. Binay Krishna, the learned Special P.P.

The appellants filed this appeal under Section 14A (2) of the SC/ST (POA) Act against the order dated 03.01.2020, passed by the learned 1st Additional Sessions Judge, Madhubani in ABP No.1452 of 2019, by which the prayer for grant of anticipatory bail has been rejected and for grant of anticipatory bail in Khajauli P.S. Case No.60 of 2019, registered under Sections 341, 323, 379, 354(B), 504 and 34 of the Indian Penal Code and under Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

The informant alleged that the villagers were fishing



small fishes in the pond situated in front of the house of the informant and her son also went inside the pond to fish out but the appellants and other accused persons assaulted the son and the husband of the informant. When the informant went there, Ghappu Singh is alleged to have pulled the informant by catching her *Sari* and the informant became semi naked.

Learned counsel for the appellants submits that of course the appellants are named in the FIR, but no specific allegation is made against the appellants. The occurrence took place due to fishing in the pond. The son of the informant was illegally fishing in the pond of the appellants and that is why some verbal altercation took place but the informant being member of the scheduled caste taking advantage of the fact lodged this case under the SC/ST Act, but no offence is made out against the appellants.

Mr. Binay Krishna, the learned Special P.P. however, opposed the prayer for anticipatory bail.

It appears from the records that the appellants are of course named in the FIR, but no specific allegation is made against them. The occurrence took place due to fishing in the pond. Admittedly the pond belongs to the appellants and the same is situated in front of the house of the informant. The son of the informant was also fishing in the pond. Genesis of the occurrence



is the fact that the son of the informant along with others were illegally fishing in the pond.

Considering the facts aforesaid, I find that the appellants deserve anticipatory bail.

Accordingly, the appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Madhubani in connection with Khajauli P.S. Case No.60 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The order dated 03.01.2020, passed in ABP No.1452 of 2019 is set aside. The appeal is allowed accordingly.

(Prabhat Kumar Jha, J)

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