

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1795 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- IMADPUR District- Bhojpur

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1. Ambika Singh @ Amika Singh Son Of Late Ram Pravesh Singh Resident Of Village - Rajpur, P.S.- Imadpur, Distt.- Bhojpur.
 2. Dinesh Singh @ Dinesh Yadav Son Of Late Ram Pravesh Singh Resident Of Village - Rajpur, P.S.- Imadpur, Distt.- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Singh Shashtri- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-07-2021 Heard Mr. Rajendra Singh Shashtri, 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 18.09.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Imadpur P. S. Case No.54 of 2019, instituted for the offences under Sections 341, 323, 307, 504, 506/ 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having fired at the informant but the bullet only grazed past his hand.



The learned Advocate for the appellants has submitted that no such occurrence as reported in the F.I.R. ever took place. In fact, there is a counter-version of the occurrence and the present case has been lodged only as a shield against the aforesaid case about which reference has been made in the memo of appeal.

Regard being had to the afore-noted facts, the order dated 18.09.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Imadpur P. S. Case No.54 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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