

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1785 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- PHULWARISHARIF District- Patna

1. ANIL KUMAR Son of Late Parmeshwar Bhagat Resident of Village - Murgiyachak, Police Station - Janipur, District - Patna.
2. SUNIL BHAGAT Son of Late Parmeshwar Bhagar Resident of Village - Murgiyachak, Police Station - Janipur, District - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gauri Shankar Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-09-2021 Heard Mr. Gauri Shankar Prasad, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellants have challenged the order dated 26.08.2020 passed by the learned Special Judge, SC/ST Patna in A.B.P. No. 3824 of 2020 in Special Case No. 274 of 2020 arising out of Phulwarisharif (Janipur) P.S. Case No. 331 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 147, 149, 341, 323, 379, 447, 307, 427, 500 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation against the appellants is of



having resorted to brick-bating at the house of the informant. Some of the victims have received injuries.

Learned counsel for the appellants has submitted that because of some dispute in the past, the accused persons including the appellants have been made accused in this case. The accusation of assault is on somebody else. Though the appellants have been named in the FIR, but there is no specific accusation against them.

Apart from this, it has been submitted that the persons who claimed to have been injured have all received simple injuries. One of the injuries received by one Chandan, the opinion could not be given as the same has been reserved for further analysis. There is nothing on record to indicate that such action was with a view to demean the members of the prosecution party to ridicule because of their descent.

Many persons have been named in the FIR only for the purposes of feeding fat the old grudge. Except for the offences 379 and 307 of the IPC and the offences under SC/ST (Prevention of Atrocities) Act, all the other offences are bailable. It has thus been urged that assuming but not admitting the accusation, the charges under the SC/ST (Prevention of Atrocities) Act has been added only to give serious colour to the case.



For the above noted arguments, the order dated 26.08.2020 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Patna in A.B.P. No. 3824 of 2020 in Special Case No. 274 of 2020 arising out of Phulwarisharif (Janipur) P.S. Case No. 331 of 2020.

(Ashutosh Kumar, J)

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