

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1839 of 2021

Arising Out of PS. Case No.-309 Year-2020 Thana- DIGHWARA District- Saran

- =====
1. ANIL SINGH @ ANIL KUMAR SINGH Son of Bindeshwari Singh Resident of Village - Barbana, Police Station - Dighwara, District - Saran.
 2. Sanni Kumar Singh @ Sanjeev Singh @ Sunny Kumar Son of Vinay Singh Resident of Village - Barbana, Police Station - Dighwara, District - Saran.
 3. Sonu Kumar Singh @ Sonu Kumar Son of Krishna Singh @ Krishna Kumar Singh Resident of Village - Barbana, Police Station - Dighwara, District - Saran.
 4. Sunil Singh @ Sunil Kumar Singh Son of Bindeshwari Singh Resident of Village - Barbana, Police Station - Dighwara, District - Saran.
 5. Surendra Singh Son of Late Kalika Singh Resident of Village - Barbana, Police Station - Dighwara, District - Saran.
 6. Bindeshwari Singh Son of Late Gurudayal Singh Resident of Village - Barbana, Police Station - Dighwara, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shailendra Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-07-2021 Heard Mr. Shailendra Kumar Singh, learned

counsel for the appellants and Mr. Sadanand Paswan,

learned Special Public Prosecutor for the State.

The learned counsel for the appellants seeks

permission to withdraw the appeal with respect to appellant



no. 5, who has died during the pendency of the appeal.

This appeal with respect to appellant no. 5/ Surendra Singh is dismissed as having become infructuous.

The appellant nos. 1 to 4 and 6 have challenged the order dated 05.02.2021 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 3296 of 2020 arising out of Dighwara P.S. Case No. 309/2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 147, 148, 149, 341, 323, 324, 379, 354, 325, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s)(w) of SC/ST (POA) Act has been rejected.

It is alleged in the First Information Report that the appellants and several others assaulted, abused and demeaned the members of the prosecution party. Some of the persons have received injuries also.

It has been urged on behalf of the appellants that though they have been named in the First Information Report but no specific allegation has been attributed to them



about any overt act. It has further been submitted that one of the appellants had earlier filed a case against the husband of the informant and others. There is a land dispute going on between the parties. The accusation involving the mischief of SC/ST (Prevention of Atrocities) Act, is only for the purposes of adding seriousness to the offence.

Regard being had to the afore-noted facts, the order dated 05.02.2021 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, is set aside so far as appellant nos. 1 to 4 and 6 are concerned.

The appeal stands allowed.

The appellants no. 1/Anil Singh @ Anil Kumar Singh, appellant no. 2/ Sanni Kumar Singh @ Sanjeev Singh @ Sunny Kumar, appellant no. 3/ Sonu Kumar Singh @ Sonu Kuma appellant no. 4 /Sunil Singh @ Sunil Kumar Singh and appellant no. 6/Bindeshwari Singh , are directed to be released on bail in the event of their 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
(Rs. Ten Thousand) with two sureties of like amount each to
the satisfaction of learned 1st Additional Sessions Judge
-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in
connection with Dighwara P.S. Case No. 309/2020.

(Ashutosh Kumar, J)

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