

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.823 of 2020

Arising Out of PS. Case No.-316 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. Ram Chandra Singh, aged about 65 years (M), Son of Late Jodhi Singh, Resident of Village Naya Tola Thadha, P.S. K. Hat (Maranga), District Purnea.
2. Birendra Kumar Singh @ Birendra Singh, aged about 55 years (M), Son of Late Ram Sewak Singh, Resident of Village Naya Tola Thadha, P.S. K. Hat (Maranga), District Purnea.
3. Arvind Kumar Singh @ Arvind Singh, aged about 48 years (M), Son of Sri Thakur Dayal Singh, Resident of Village Naya Tola Thadha, P.S. K. Hat (Maranga), District Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 828 of 2020

Arising Out of PS. Case No.-316 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Maya Ram Singh, aged about 48 years (M), S/o Sri Rajendra Singh, R/o village Naya Tola Thadha, Harda, P.S. K. Hat (Maranga), District Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 823 of 2020)

For the Appellant/s : Mr.Amit Kumar Anand

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 828 of 2020)

For the Appellant/s : Mr.Amit Kumar Anand

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-03-2021 Heard both sides.

The appellants filed these appeals under Section 14A(2) of the SC/ST Act against the order dated 06.02.2020 and 21.12.2019, passed in ABP No.04 of 2020 and ABP No.91 of 2019, by which the learned 1st Additional Sessions Judge-cum-



Special Judge, SC/ST Act, Purnea rejected the anticipatory bail petition of the appellants in K. Hat (Maranga) P.S. Case No.316 of 2019, registered under Sections 147, 148, 149, 341, 323, 325, 379, 504 and 506 of the Indian Penal Code and under Section 3(i)(r) of the SC/ST Act.

The informant of the present case alleged that her sons, Rahul Paswan and Shankar Paswan were going to coaching institute. When they reached near Mehta Chowk, he blew horn. Birendra Singh (appellant no.2 of Cr. Appeal (SJ) No.823 of 2020), Raju Singh, Neeraj Kumar Singh, Maya Ram Singh, Shiv Dayal Singh, Sundar Singh, Arvind Singh (appellant no.3 of Cr. Appeal (SJ) No.823 of 2020), Sheochandra Singh, Narayan Singh, Ram Chandra Singh (appellant no.1 of Cr. Appeal (SJ) No.823 of 2020), Ranjan Singh and 15-20 unknown came and started assaulting Rahul Paswan and Shankar Paswan. They were taking them towards their village. It is further alleged that when the informant and others went there, the accused persons also abused them.

Learned counsel for the appellants submits that the present case is K. Hat (Maranga) P.S. Case No.316 of 2019. Prior to institution of the present case, on the basis of fardbeyan of Hareram Singh, K. Hat (Maranga) P.S. Case No.315 of 2019



was registered under Sections 341, 323, 354(A), 354(C), 509, 504 and 34 of the Indian Penal Code against Rahul Paswan and Shankar Paswan. The informant alleged that while his daughter and her friend were returning after attending the coaching classes, Rahul Paswan and Shankar Paswan stalked them after blocking her way. They forcibly tried to take their mobile numbers and when they refused, the accused persons, namely, Rahul Paswan and Shankar Paswan assaulted them. On alarm, many persons came and handed over both the accused to police. It is submitted that the present case is lodged in order to save Rahul Paswan and Shankar Paswan, who were eve teasing the minor girls who were returning after attending the coaching classes. It is further submitted that this case has been lodged only to create defence.

The learned Special P.P. opposed the prayer for anticipatory bail.

Having considered the facts and the submissions of both sides and on perusal of the records, it appears that Hareram Singh lodged the earlier case making allegation against Rahul Paswan and Shankar Paswan that they stalked the two minor girls and they were eve teasing them, but when the accused persons tried to get her seated on his motorcycle, on alarm,



many persons came and save the minor girls and at the same time, apprehended both the accused and handed them over to the police. The present case is lodged thereafter.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail. Accordingly, both the appeals are allowed. The order dated 06.02.2020 and 21.12.2019, passed in ABP No.04 of 2020 and ABP No.91 of 2019 are set aside.

Appellants, above named, in the event of their arrest or surrender before the court below within a period of four 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-cum-Special Judge, SC/ST Act, Purnea in connection with K. Hat (Maranga) P.S. Case No.316 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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