

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.920 of 2020

Arising Out of PS. Case No.-348 Year-2019 Thana- RAHUI District- Nalanda

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DASHRATH BIND Son of Late Saryug Bind Resident of Village - Imali-Bigha, P.S.- Rahui (Wena), Dist.- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

The appellant has challenged the order dated 08.01.2020 passed by learned 1st Additional Sessions Judge, Nalanda in ABP No. 3154/2019 in connection with Rahui (Wena) P.S. Case No. 348 of 2019 registered for the offences under sections 147, 148, 149, 341, 342, 302, 307, 504 and 506 of the Indian Penal Code 27 of the Arms Act and 3(2)(va) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons, variously armed, surrounded the brothers of the informant when they were irrigating in the field and made



indiscriminate firing due to which his brother sustained injury and later succumbed to the injury.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. There is admitted land dispute between the parties. Specific allegation of assault is alleged against accused persons namely Azad Bind, Bharat Bind and Indal Paswan. As far as appellant is concerned, general and omnibus allegation has been made against him. No specific overt act is alleged against the appellant. There is no specific allegation of firing alleged against the appellant. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case. Other co-accused has been granted anticipatory bail vide Annexure-2 to the supplementary affidavit.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 08.01.2020 passed by learned 1st Additional Sessions Judge, Nalanda in ABP No. 3154/2019 in connection



with Rehui (Wena) P.S. Case No. 348 of 2019, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned 1st Additional Sessions Judge, Nalanda in connection with Rahui (Wena) P.S. Case No. 348 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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