

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2126 of 2021**

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

1. NILESH SINGH @ NILESH KUMAR SINGH Son of Munna Singh
Resident of Village - Barbana, P.S.- Dighwara, Distt.- Saran.
2. KRISHNA SINGH @KRISHNA KUMAR SINGH Son of Surendra Singh
Resident of Village - Barbana, P.S.- Dighwara, Distt.- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.SPL. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 27-08-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellants have challenged the order dated
05.02.2021 passed by learned 1st Additional Sessions Judge
-cum- Special Judge, SC/ST(POA) Act, Saran at Chapra in ABP
No. 3296/2020 in connection with Dighwara P.S. Case No.
309/2020 registered for the offences under Sections 147, 148,
149, 341, 323, 324, 379, 354, 325, 504, 506 of the Indian Penal
Code and 3(i)(r)(s)(w) of the SC/ST (Prevention of Atrocities)



Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons came to the door of the informant and damaged wall and entered into the house by taking caste name and assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellants have been made accused due to mistake of fact. There is a land dispute between the parties. The injuries are superficial in nature. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 05.02.2021 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST(POA) Act, Saran at Chapra in ABP No. 3296/2020 in connection with Dighwara



P.S. Case No. 309/2020, is set aside.

The appeal stands allowed.

Let the appellants 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 their personal bonds 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.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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