

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2313 of 2021

Arising Out of PS. Case No.-166 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

1. JAGNARAYAN SINGH @ JAGNARAYAN KUSHWAHA SON OF LATE RAM BRIKSH KUSHWAHA Resident of Village - Muthani, P.s- Mohania, Distt.- Kaimur (Bhabhua).
2. VIJAY SHANKAR SINGH @ VIJAY SHANKAR KUSHWAHA SON OF JAGNARAYAN SINGH @ JAGNARAYAN KUSHWAHA Resident of Village - Muthani, P.s- Mohania, Distt.- Kaimur (Bhabhua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shankar Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 02-11-2021 Heard learned counsel for the appellants as well as the learned APP for the State.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 22.01.2021, passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Kaimur at Bhabbhua in connection with Mohania P.S.Case No. 166 of 2019, registered for the offences



punishable under Sections 341, 323, 307, 324, 504, 506 and 379 of the Indian Penal Code, Section 27 of the Arms Act, and Sections 3(1)(r)(s) & 3(2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The informant Anil Kumar @ Sealdah Sharma lodged the case, stating therein that co-accused Jai Prakash and Vijay Shankar Singh (appellant no.2) assaulted on the head of the informant and his brother with an axe. The allegation against appellant no.1, Jagnarayan Singh @ Jagnarayan Kushwaha is that he opened fire and abused the informant and his family members by calling their caste name.

Learned counsel for the appellants has submitted that, on similar ground, a coordinate Bench of this Court has granted anticipatory bail to co-accused persons under order dated 29.11.2019, passed in Cr. Appeal (SJ) No. 4176 of 2019, but the learned counsel has fairly admitted that the anticipatory bail of co-accused Jai Prakash @ Jai Prakash Singh was rejected under the aforesaid order.

The allegation against co-accused Jai Prakash was that he inflicted *farsa* blow on the head of the informant and his case was similar to appellant no.2 Vijay Shankar Singh @ Vijay



Shankar Kushwaha. Against this appellant, there is also allegation that he inflicted axe blow on the head of the brother of the informant..

Considering these facts and circumstances, this appeal as against appellant no.2 Vijay Shankar Singh @ Vijay Shankar Kushwaha is dismissed.

So far as appellant no.1 Jagnarayan Singh @ Jagnarayan Kushwaha is concerned, considering the fact that the coordinate Bench has granted anticipatory bail on similarly situated condition, the appeal is allowed and the impugned order dated 22.01.2021, passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Kaimur at Bhabhua is set aside.

Let appellant no.1 Jagnarayan Singh @ Jagnarayan Kushwaha, in the event of his arrest or surrender within four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Kaimur at Bhabhua in connection with Mohania P.S.Case No. 166 of 2019.

Office shall ensure that all defects are removed by the



appellants within the stipulated time provided in para 2
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey , J)

HR/-

U		T	
---	--	---	--

