

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2406 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- MUFFASIL District- Aurangabad

SUSHIL KUMAR SINGH @ SUSHIL SINGH Son of Late Ramji Singh
Resident of Village- Manjurahi, P.S.- Aurangabad (Mufassil), District-
Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhanu Pratap Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-09-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
22.12.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST, Aurangabad in A.B.P. No.
1195 of 2020 arising out of Aurangabad (Muffasil) P.S. Case
No. 207/2020, whereby the prayer made on behalf of the
appellant for grant of anticipatory bail for the offences under
Sections 147, 148, 149, 341, 323, 324, 325, 307, 354,
504 and 506 of the Indian Penal Code and Section 3(1)(r)
(s)/3(2)(Va)/32(V) of the SC/ST (POA) Act has been
rejected.



The appellant and twenty nine others are said to have assaulted the informant and others. The cause of occurrence as stated in the F.I.R. is that the informant and his associates had not voted for the B.J.P. party in the last elections.

Mr. Singh, the learned counsel for the appellant has submitted that there is a counter version of the occurrence. One person, namely, Munni Singh from the side of the appellant has been seriously injured in the occurrence. The reason for the appellant having been made accused in this case is an attempt of the informant and his associates at grabbing the land of some of the appellants.

Vide order dated 13.08.2021, case diary was called for to ascertain the nature of injuries suffered by the victims of this case.

Though there are several persons, who are said to have been injured in the occurrence but all of them have received simple injuries. The accusation against the appellant is absolutely vague, general and omnibus.

Regard being had to the afore-stated facts,



namely, the counter case, one person having been injured from the side of the appellant in a grievous manner and there being nothing on record to indicate conclusively for driving home the mischief of SC/ST (Prevention of Atrocities), Act,

The provisional bail granted to the appellant by order dated 13.08.2021, is hereby confirmed. He shall remain on the same bail bonds.

The appeal stands allowed.

(Ashutosh Kumar, J)

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