

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2499 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. PRITHVI RAJ SINGH @ RAMA SHANKAR SINGH, S/O LATE JAGAT NARAYAN SINGH R/O VILLAGE-DHARMPUR, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.
 2. RAVI SHANKAR SINGH @ RAVISHANK @ BABLU SINGH, S/O LATE JAGAT NARAYAN SINGH R/O VILLAGE-DHARMPUR, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.
 3. VISHAL SINGH, S/O ASIT SINGH R/O VILLAGE-DHARMPUR, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.
 4. UTSAV KUMAR SINGH, S/O NAGESHWAR SINGH R/O VILLAGE-DHARMPUR, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.
 5. GULSHAN KUMAR SINGH @ RAJA SINGH, S/O MUNESHWAR SINGH @ BHUNESHWAR SINGH R/O VILLAGE-DHARMPUR, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Amit Kashyap, learned Advocate for

the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

20.08.2020, passed by the learned 1st Additional

Sessions Judge, Samastipur, in A.B.P. No. 1248 of

2020, arising out of Mohiuddin Nagar P. S. Case No. 48



of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 307, 323, 341, 379, 427, 504 and 506 of the Indian Penal Code and Sections 3 (i) (r) and 3 (I) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that when the son of the informant was going to market to purchase medicines, he was assaulted and abused by the appellants. He was also divested of five hundred rupees which he was carrying for purchase of medicines and his vehicle also was thrown in a nearby pond.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against them because of some earlier dispute.

The appellants are co-villagers of the informant.

Finding the aforesaid litigation to be futile and not good for future, the informant has chosen to settle



the dispute with the appellants and does not now wish to prosecute the appellants any further.

Apart from this, it has been submitted on merits that except for appellant no. 2, there is no specific accusation against other accused persons, namely, appellant nos. 1, 3, 4 and 5. So far as appellant no. 2 is concerned, he is a military personnel and had made a personal visit to his village home. Because of the old dispute with the other accused persons, the appellant no. 2 also has been made accused along with them in the subject F.I.R.

However, since the informant does not wish to prosecute the appellants any further and that the occurrence also appears to have taken place without any specific motive, this Court deems it appropriate to interfere with the order impugned in the present appeal.

For the afore-stated reasons, the order dated 20.08.2020, passed by the learned 1st Additional Sessions Judge, Samastipur, is set aside.



The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Scheduled Caste and Scheduled Tribes Act, Samastipur, in connection with Mohiuddin Nagar P. S. Case No. 48 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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