

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2422 of 2021**

Arising Out of PS. Case No.-140 Year-2020 Thana- SHIVSAGAR District- Rohtas

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DHANAI BIND Son of Late Jiut Bind Resident of village - Semri, Police
Station - Shivsagarm, District - Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijay Shankar Choubey

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 26-08-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

27.01.2021 passed by the learned 1st Additional Sessions

Judge-cum-Special Judge, Rohtas at Sasaram, in

Anticipatory Bail Petition No. 310 of 2020 arising out of

Shivsagar P.S. Case No. 140 of 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,

307, 302, 504 and 506 of the Indian Penal Code and

Section 3(2)(V) of SC/ST (POA) Act has been rejected.

Several persons are said to have assaulted the



informant, his father and others over the issue of fixing earthing wire in the land of the informant.

It has been submitted on behalf of the appellant that no specific accusation has been levelled against him. The deceased is the father of the informant, who has received only one ante-mortem injury. This makes the case doubtful in as much as all the accused persons including the appellant are stated to have assaulted the deceased and other persons. Other persons also have received injuries but those have been found to be simple in nature. Four persons of this case have been granted regular bail by this Court. The appellant has not specifically been alleged to have done anything and is also a person of absolutely clean background. He has been made accused in this case only because of his being associated with the informant.

However, regard being had to the fact that the father of the informant had died, I am not inclined to interfere with the impugned order refusing to grant anticipatory bail to the appellant.

The appeal is dismissed.



However, if the appellant surrenders before the court below and seeks bail, his application shall be considered on its own merits, taking into account the fact that there is no specific accusation against him and that similarly situated accused persons have been granted regular bail and order shall be passed without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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