

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1380 of 2020

Arising Out of PS. Case No.-12 Year-2017 Thana- SAMHO District- Begusarai

Bhikhari Singh Son of Radhay Singh @ Radhey Singh Resident of Village -
Nandpur, P.S.- Suryagarha, Distt.- Lakhisarai. Appellant/s
Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 20.2.2020 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for regular bail of the appellant in connection with Samho P.S. Case no. 12 of 2017 registered under sections 447, 341, 342, 323, 504, 506 and 34 of the Indian Penal Code sections 3(1)(v) and 3(1)(x) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per the prosecution case, the 9 named accused persons including the appellant herein are stated to have come variously armed with pistol gun stick etc, of having abused the informant and others and on being asked not to abuse, it is stated that the accused persons brutally assaulted and injured Suraj Paswan. It is further stated that the informant and Suraj Paswan were being forcibly taken away with the intention to kill but on 'hulla' being raised by the co-villagers, they were left alone with threats.

It is submitted by learned counsel for the appellant



that from the FIR itself it would transpire that there is admitted land dispute between the parties. For an occurrence of 25.5.2017, although the police station is at a distance of 8 kms from the alleged place of occurrence, information was given to the police station only on 28.5.2017. The allegations are general and omnibus in nature. The appellant is in custody since 28.1.2020.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the appellant being in custody since 28.1.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 20.2.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Samho P.S Case no. 12 of 2017 on furnishing bail bond of Rs. 10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai.

(Partha Sarthy, J)

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