

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2547 of 2021

Arising Out of PS. Case No.-35 Year-2016 Thana- AWTARNAGAR District- Saran

-
1. Shyam Sundar Dubey, Son of Late Nand Kishore Dubey
 2. Manoj Dubey @ Manoj Kumar Dubey, Son of Shyam Sundar Dubey
 3. Rikki Kumar, Son of Manoj Dubey
 4. Jagdish Dubey, Son of Nihora Dubey
 5. Pankaj Dubey, Son of Badari Dubey

All are resident of Village- Fatepur Chain, Police Station- Avatarnagar,
District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radha Mohan Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-07-2021

Heard Mr. Radha Mohan Singh, the learned

Advocate for the appellants and the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

17.03.2020 passed by the learned Addl. District and

Sessions Judge-I-Cum-Special Judge, SC/ST (POA) Act,



Saran at Chapra in connection with Avatarnagar P.S. Case No. 35 of 2016, instituted for the offences under Sections 147, 148, 149, 341, 324, 379, 435 and 504 of the Indian Penal Code and Section 3(i)(X) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that because of a minor girl having defecated in the land of one of the accused persons, an occurrence took place where the members of the prosecution party were abused and assaulted.

It has been urged on behalf of the appellants that because a dispute had emerged between the two neighbours, the present case has been lodged. There is a counter version of the occurrence as well, which has been lodged by one of the accused persons of this case. The injuries suffered by the informant are all simple in nature.

Considering this aspect of the matter, it has



been argued, the appellants were released on police bail during the course of the investigation and they have never misused the privilege of police bail all this while.

Regard being had to the facts afore-stated, this appeal is being disposed off with a direction that in case the appellants surrender before the Court below and seek bail, their application shall be considered on its own merits, taking into account the afore-noted facts and that they have never misused the privilege of police bail all this while. The Court below shall pass orders in accordance with law without being prejudiced by the fact that the present appeal on their behalf has not been entertained by this Court.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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

