

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1643 of 2020

Arising Out of PS. Case No.-261 Year-2019 Thana- TARAIIYA District- Saran

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1. Rajesh Kumar Singh Son of Harendra Singh Resident of Village- Dumari Chapiya, P.S.- Taraiya, District- Saran.
 2. Nitesh Kumar Singh @ Nitesh Kumar Son of Harendra Singh Resident of Village- Dumari Chapiya, P.S.- Taraiya, District- Saran.
 3. Mintu Kumar Singh @ Mintu Singh Son of Nagendra Singh Resident of Village- Dumari Chapiya, P.S.- Taraiya, District- Saran.
 4. Nagendra Singh Son of Late Musafir Singh Resident of Village- Dumari Chapiya, P.S.- Taraiya, District- Saran.
 5. Sushila Devi Wife of Nagendra Singh Resident of Village- Dumari Chapiya, P.S.- Taraiya, District- Saran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Mukesh Kumar Singh, Advocate
For the Respondent	:	Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-01-2021 Heard learned counsel for the parties.

The present appeal is directed against the order dated 5.02.2020 passed by learned Additional Sessions Judge –I cum Special Judge, SC/ST Act, Saran in a case registered for the offence punishable under Sections 323/34 and other allied sections of the Indian Penal Code and Section 3 (r)(w) of the SC/ST Act, whereby anticipatory bail of the appellants has been



rejected.

As per the First Information Report, when the son of the informant was going to Chapiya to bring straw, all the named eight accused persons including the petitioners started abusing him and when the informant protested, they assaulted him and asked to withdraw the case filed by his father. It is further alleged that when his mother and sister tried to save him the accused persons assaulted them also and tore their clothes and called them by their caste name.

Learned counsel for the appellants submits that from the perusal of the FIR it is apparent that there is no time and place of alleged occurrence. Allegation is general and omnibus against the appellants. It is also the case of the appellants that the prosecution side is in habit of filing cases against the accused persons. Earlier also Taraiya Police Station Case No. 61 of 2017 was lodged by Jawahar Ram, husband of the informant and later on entered into compromise. No offence under the SC/ST Act is made out against the appellants.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record,



this appeal is allowed and the impugned order dated 5.02.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – I cum Special Judge, SC/ST Act, Saran in Taraiyan Police Station Case No. 261 of 2019.

(Prabhat Kumar Singh, J)

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