

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22180 of 2020**

Arising Out of PS. Case No.-406 Year-2019 Thana- GHOSI District- Jehanabad

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1. RAJNANDAN SINGH, Son of Jagdish Singh
  2. Chandrakant Kumar @ Dhonger, S/o Rajnandan Singh

Both are Resident of Village - Milkichak Rampur, P.S. - Ghoshi, Distt. -  
Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar, S/o Late Ramjatan Ram, Resident of Village - Milkichak  
Rampur, P.S. - Okri (Ghoshi), Distt. - Jehanabad.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. P. K. Shahi, Senior Advocate

Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      25-01-2021                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

This application is for grant of anticipatory bail to the  
petitioners, who are accused, in connection with Ghosi (Okari)  
P.S. Case No. 406 of 2019 for offences under Sections 147, 148,  
149, 341, 323, 324, 337, 338, 354, 307, 302 of the Indian Penal  
Code and Section 27 of the Arms Act.

In the past, prayer for anticipatory bail was refused on  
the ground that a prima facie offence, under the provisions of  
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, is made out vide order dated 24.06.2020 passed in Cr. Misc. No. 2123 of 2020.

Learned Senior Counsel for the petitioners submits that previous order would show wrong submission was made on behalf of the informant that informant is a member of the scheduled caste whereas, in fact, informant is a member of the extremely backward class.

Thereafter, informant appeared in this application on notice. Several adjournments were allowed to the informant to file counter affidavit along with the supporting document that informant belongs to scheduled caste.

However, no such document has been produced as yet.

Learned Senior Counsel for the petitioners submits that general and omnibus allegation is there against fifteen persons of committing assault to Geeta Devi as well as to the father of the informant as a result whereof father of the informant died.

Contention is that Annexure-2 would show that the victim died of accident from the vehicle of the petitioners and reason for occurrence in the counter case is alleged as false claim of the prosecution on the land of the petitioners' side.



Learned Senior Counsel further submits that the postmortem report would reveal that there was no external injury on the person of the deceased.

Since the Doctor has not found any external injury on the person of the deceased which belies the allegation of commission of assault by fifteen persons, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ghosi (Okari) P.S. Case No. 406 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioners shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioners.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.



(c) The petitioners shall not leave the country without  
permission of the learned trial court.

**(Birendra Kumar, J)**

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