

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1672 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- SC/ST District- Jehanabad

1. Arvind Singh @ Arvind Sharma aged about 50 years S/o Dhadhu Singh Resident of Village-Indrapur, Police Station-Makhdumpur, District-Jehanabad.
2. Manoj Kumar @ Manoj Sharma aged about 35 years S/o Chalitar Sharma Resident of Village-Indrapur, Police Station-Makhdumpur, District-Jehanabad.
3. Pranay Kumar @ Pranay Sharma aged about 32 years S/o Akhilesh Sharma Resident of Village-Indrapur, Police Station-Makhdumpur, District-Jehanabad.
4. Durgesh Sharma aged about 40 years S/o Late Shivrat Singh Resident of Village-Indrapur, Police Station-Makhdumpur, District-Jehanabad.
5. Balmiki Singh @ Balmiki Sharma aged about 50 years S/o Kaleshwar Sharma Resident of Village-Indrapur, Police Station-Makhdumpur, District-Jehanabad.
6. Avinash Kumar @ Abhinash Kumar @ Mikki aged about 25 years S/o Nityanand Sharma Resident of Village-Indrapur, Police Station-Makhdumpur, District-Jehanabad.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Ramakant Sharma, Senior Advocate and Mr. Rakesh Kumar Sharma, Advocate
For the Respondent	:	Mr.Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Sanjay Kr.Bharti, Advocate

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
27.02.2020 passed by learned Additional Sessions Judge-I,
Jehanabad in a case registered for the offence punishable under
Section 307 and other allied sections of the Indian Penal Code



and Section 3 (1) (r) (s)(w)/3(2)(va) of the SC/ST (POA) Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, on 11.12.2019 at 1 PM about 14 accused persons including the appellants, named in the FIR and 10 to 12 unknown persons, variously armed, suddenly entered in Mahadalit tola and started marit with the residents. They also closed her mouth with Gamcha and tried to outrage the modesty of the informant and called her caste name. It is further alleged that co-accused Rakesh and Ranjit also tried to kill Kanti Devi after brutally assaulting by iron rod. Other accused persons were indulged in brick batting as a result of which 9 to 10 persons sustained injuries.

It is submitted on behalf of the appellants that taking benefit of there being members of Scheduled Castes & Scheduled Tribes, the prosecution party made obstruction in construction of the house of co-accused Nityanand Sharma, whose six family members have been made accused in this case. Informant side was using his raiyati land as their pathway for which on 23.11.2018 itself 107 Cr.P.C. proceeding was initiated. Earlier also father of the informant and other accused persons, with a view to grab land, indulged in firing and when the CO and the Officer In Charge of Makhdumpur Police Station went to



the PO, prosecution side indulged in scuffle with them for which Makhdumpur Police Station case No. 554 of 2019 dated 16.7.2019 was registered. CO, Makhdumpur also lodged a case against the informant vide Makhdumpur Police Station Case No. 322/2019 in which CO and the Incharge Officer in charge also sustained injuries. Learned counsel for the appellants also submits that the injuries sustained by the prosecution side have been found to be superficial and simple in nature. No offence under the SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent as stated in paragraph 3 of the appeal.

Learned counsel for the state and the informant on the other hand oppose the prayer for bail. They submit that there is specific allegation against the appellants of abusing the informant and the other persons of the Tola by taking their caste name, as such, appeal for grant of anticipatory bail to the appellants is not maintainable.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, false implication of the appellants cannot be ruled out. In this view of the matter, the appeal is allowed and the impugned order dated 27.02.2020, 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 Sessions Judge–I, Jehanabad in Jehanabad SC/ST Police Station Case No. 56/2019.

(Prabhat Kumar Singh, J)

Shashi

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

