

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2663 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- CHACKMEHSI District- Samastipur

1. Chitranjan Kumar, aged about 24 years (Male), Son of Kamal Dev Prasad, resident of Village- Kudhba, Police Station- Chakmehsi, District- Samastipur.
2. Raju Sah @ Rajdev Prasad Gupta, aged about 37 years (Male), Son of Ajab Lal Sah, resident of Village- Kudhba, Police Station- Chakmehsi, District- Samastipur.
3. Kamal Dev Prasad @ Kamal Dev Prasad Gupta, aged about 51 years (Male), Son of Ajab Lal Sah, resident of Village- Kudhba, Police Station- Chakmehsi, District- Samastipur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Pramod Kumar Singh, Advocate.
For the Respondent : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-09-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Chakmehsi P.S. Case No. 111 of 2020, registered for the offences under Sections 147, 149, 447, 323, 504, 506 of the I.P.C., Section 27 of the Arms Act and Sections 3(1)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 29.05.2020 at about 7.30 P.M., the informant was sitting at his *Darwaja*, in



the meantime, F.I.R. named accused persons and five unknown persons came armed with *Lathi*, *Danda* and *Rod*. Chitranjan Kumar (appellant no. 1) came with pistol at the *Darwaza* of the informant, abused him by calling his caste name and started brick batting and made firing at his *Darwaza*. On hulla, local people came there then accused persons fled away. It is further alleged that the informant is a *P.D.S.* dealer in *Kudhba Panchayat* and for some time due to closure of the shop of *PACS*, allotment of shop of *PACS* was also added to the shop of the informant for which dispute arose.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. Both parties are *P.D.S.* dealer and due to business rivalry, the alleged occurrence has taken place between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with cleans hands. There is case and counter case between the parties. The alleged occurrence has not taken place in public view. Hence, no offence under *SC/ST Act* is attracted in the present case.



On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 07.04.2021, passed in connection with Chakmehsi P.S. Case No. 111 of 2020 by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Ist Additional Sessions Judge, SC/ST Act, Samastipur, in connection with Chakmehsi P.S. Case No. 111 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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