

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1607 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- BASANTPUR District- Siwan

1. KARMAJEET KUMAR @ BHOL BAM Son of Bagendra Singh
2. Amarjeet Kumar Son of Bagendra Singh
3. Bagindra Singh @ Bagendra Singh Son of Late Laxmi Singh
4. Rekha Devi Wife of Bagendra Singh
All Resident of Village- Kishunpura Uttar Tola, P.S.- Lakari
Naviganj O.P., District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mrs. Usha Kumari No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-01-2021 At the outset, it was informed by learned counsel for the appellants that during the pendency of this appeal, appellant No. 1 (Karmajeet Kumar @ Bhol Bam) and appellant No. 3 (Bagindra Singh @ Bagendra Singh) have been arrested, and as such, he prays for withdrawal of this appeal so far as appellant No. 1 and appellant No. 3 are concerned.

Accordingly, this appeal stands dismissed as withdrawn so far as appellants No. 1 and 3 are concerned.

Heard learned counsel for the appellants and learned Special P.P. for the State.

The present appeal has been filed against the order



dated 01.07.2020 passed by learned In-charge 1st Additional Sessions Judge cum Special Judge, Siwan, in connection with Basantpur (Lakari Naviganj)P.S. Case No. 118/2020 registered for the offences punishable under Sections 341/323/324/379/504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

Specific allegation of assault and taking caste name is against co-accused appellant No. 1 (Karmajeet Kumar @ Bhol Bam). So far as appellants No. 2 and 4 are concerned, there is general and omnibus allegation against them.

It is submitted that due to petty dispute in watching orchestra programme some *mar-pit* took place. It is further submitted that false case has been filed against the appellants as no case under the SC/ST Act is made out against these appellants. There is no specific allegation of overtact against these appellants and they have clean antecedents as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 01.07.2020 passed by learned In-charge 1st Additional Sessions



Judge cum Special Judge, Siwan, in connection with Basantpur (Lakari Naviganj) P.S. Case No. 118/2020 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Basantpur (Lakari Naviganj) P.S. Case No. 118/2020.

(Prabhat Kumar Singh, J)

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