

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2509 of 2021**

**In
CRIMINAL MISCELLANEOUS No.35872 of 2020**

Arising Out of PS. Case No.-106 Year-2020 Thana- DARAUNDA District- Siwan

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1. ANIL PRASAD @ ANIL KUMAR PRASAD Son of mainejar @ Mainejar Bin Resident of Village - Fatehpur, P.S.- Daraunda, Distt.- Siwan.
 2. Sunil Kumar Prasad @ Sunil Prasad Son of Mainijar Bin Resident of Village - Fatehpur, P.S.- Daraunda, Distt.- Siwan.
 3. Mainejar Prasad @ Mainejar Bin Son of Late Murat Bin Resident of Village - Fatehpur, P.S.- Daraunda, Distt.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwajeet Kumar Mishra- Advocate
For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

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

3 27-07-2021 Heard Mr. Vishwajeet Kumar Mishra, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 10.09.2020 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Daraunda P. S. Case No.106 of 2020, instituted for the offences under Sections 147, 149, 341, 323, 324, 307, 427, 448, 504, 506 of the Indian Penal Code and Section 3(i)(r) (s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of



anticipatory bail has been rejected.

The accusation in the F.I.R. is that while the informant was sitting at his house, the appellants and others wanted to know the reason from him for stopping them from fishing in a pond in which fishing rights have been given to the informant and his partners. When this was narrated by the informant, the accused persons got enraged and started assaulting him.

The learned Advocate for the appellants has submitted that there is a counter-version of the occurrence also vide Daraunda P. S. Case No.107 of 2020 in which all the accused persons who are members of the prosecution party in the present case have been released on bail from the Court below.

It has further been submitted that the dispute arose because of competing claims regarding fishing rights in a pond.

Four persons are said to have been injured in the occurrence but all of them have received simple injuries. The accusation under the SC/ST (P.O.A.) Act, it has been urged, is only for the purposes of making the case look serious.



For the reasons afore-stated, the order dated
10.09.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their
arrest or surrender before the learned Court below within a
period of eight weeks, are directed to be released on bail on
their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees
Ten Thousand) each with two sureties of the like amount each to
the satisfaction of learned Additional Sessions Judge-1st-cum-
Special Judge, Siwan in connection with Daraunda P. S. Case
No.106 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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