

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1709 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- LODIPUR District- Bhagalpur

Pragati Kumar Singh @ Loha Singh, Male, aged about 19 years, Son of Shambhu Singh @ Shambhu Kumar Singh, Resident of Village - Gowardhanpur, P.S.- Lodipur, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Advocate
For the State : Mr.Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2021 Heard learned counsel for the appellant and learned A.P.P. for the State.

The appeal is against the order dated 27.06.2020 passed by learned Additional Sessions Judge-III-cum-Special Judge (S.C./S.T. Act), Bhagalpur in A.B.P. No.866 of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with Lodipur P.S. Case No.23 of 2020 registered for the offences punishable under Sections 448, 341, 323, 436, 504, 506, 34 of the Indian Penal Code and Sections 3 (i)(R), 3(1)(s), 3(2)(v) SC/ST Act, has been rejected.

The prosecution story based on the complaint of informant Munilal Harijan, in short is that on 31.01.2020 at around 2:30 P.M. when informant was cutting grass at adda in Gandhi Ghat Baihiyar, two persons namely (1) Madan Rai, son of Sugreev Rai and (2) Sugreev Rai, son of Baldeo Rai came there and started abusing him and thereafter, shouted at him making a derogatory remark of his caste (Chamar), as if who



has given him permission to cut grass of this place. On this when the informant raised his protest both of them started beating him with fist, blows and legs. He, however, managed to escape from there but while doing so, he found the petitioner Pragati Kumar Singh @ Loha Singh standing on the way, who on the instructions of Madan Rai, started beating and abusing him. He again managed to escape and thereafter reached home. He further alleged that when he was escaping, Madan Rai treated him that if he complaints about this in police then he will be killed. He further alleged therein that on 01.02.2020 when he was sitting at home along with his mother, brother and his family, (1) Madan Rai, (2) Sugreev Rai (3) Sivek Rai (4) Shashi Rai (5) Kamleshwari Rai (6) Rupesh Rai and 20-25 unknown criminals armed with deadly weapons entered into his house and started beating and abusing on account of which his mother became unconscious.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that on bare perusal of the F.I.R. itself, it appears that the appellant has not abused the informant by taking any caste He further submits that the Deputy Superintendent of Police and as per his supervision, the allegation of blazing the hut falling within the purview of Section 436 of I.P.C. is not mad out.

Learned counsel for the State submits that the charge sheet has been submitted against the appellant and the appellant has got no any criminal antecedent mentioned in paragraph-3 of the memo of appeal.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his



arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Lodipur P.S. Case No.23 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 27.06.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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