

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2934 of 2021**

Arising Out of PS. Case No.-29 Year-2021 Thana- BAHADURPUR District- Darbhanga

ANIL SINGH @ ANIL KUMAR SINGH, Son of Late Satrugan Singh @
Shatrudhan Prasad Singh, Residence of Village - Ojhaul, P.S.- Bahadurpur,
Dist.- Darbhanga

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kedar Jha, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.
For the Informant	:	Mr. Praveen Prabhakar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-09-2021 Heard learned counsel for the appellant, learned
counsel for the informant and Ms. Usha Kumari 1, Spl. P.P. for
the State.

The appellant in the present case is seeking setting
aside of the order dated 19.03.2021 passed in S.C.S.T.G.R. No.
19 of 2021 arising out of Bahadurpur P.S. Case No. 29 of 2021
registered for the offence punishable under Sections 147, 148,
149, 323, 324, 341, 307, 436, 504, 506/34 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3(2)(iv) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act by learned 1st Additional Sessions Judge-cum-
Special Judge, Darbhanga whereby and whereunder the prayer

for regular bail of the appellant has been rejected. He is in custody since 15.01.2021.

As per the prosecution story, this appellant together with 10 other co-accused named in the F.I.R. and 10 other persons who are not named had abused the prosecution side and on protest made by the informant's side they set the shop of the informant on fire as a result whereof the shop was burnt with the articles kept therein. It is alleged that this appellant and his family member namely, Chandan Singh, Kundan Singh, Chunnu Singh and his associate Manish Singh and 10-15 other persons were lashed with pistol in their hands and set on fire the temple of the informant and abused the 'God' the informant worships. It is alleged that this appellant has been facing several other cases and nobody is safe in his hand.

Learned counsel for the appellant submits that in the First Information Report the allegations against this appellant are general and omnibus. No specific overt act has been alleged against him. 10-15 persons apart from the named accused have not been identified, though the informant says that they were co-villagers. It is further submitted that the co-accused similarly situated namely, Chunnu Singh, Kundan Singh and Sumit Singh have been granted bail by this Court in Cr. Appeal (SJ) No. 3300

of 2021 and Cr. Appeal (SJ) No. 3032 of 2021.

It is also submitted that now the parties being co-villagers have entered into a settlement.

Learned counsel further submits that there is a counter case also which would be evident from Annexure '2'. In the counter case lodged by one Mithilesh Devi, mother of the appellant, it is alleged that on 12.01.2021 at about 8.00 P.M. the informant and other named accused persons attacked on the house of the informant Mithilesh Devi, they started firing and they were throwing stones and bricks. The assault made on the family of the informant stones and bricks. The assault made on the family of the informant caused injuries to Sangeeta Devi, wife of the appellant who suffered grievous injury and was admitted in D.M.C.H. Several other members of the family were assaulted. Again on 13.01.2021, the informant along with several other persons entered in the house of the informant Mithilesh Devi and set her house on fire as a result whereof three Pulsar motorcycles got burnt and other articles of the house including the CCTV and Sofa-sets were damaged.

Learned counsel submits that it has come in the case diary that because the appellant's side was objecting to the illegal indulgence of the informant in the business of liquor,

they have indulged in the present occurrence and the appellant has been falsely implicated because of his criminal antecedents.

It is pointed out that though the appellant has got 14 criminal antecedents but in all the cases he is on bail.

Learned counsel for the informant has though appeared but has categorically submitted that he has instruction not to oppose the prayer for bail of the appellant.

Ms. Usha Kumari 1, learned Special P.P. for the State has gone through the case diary and points out that the allegations which are made in the F.I.R. forms part of the investigation, chargesheet has been filed and the counter case is under investigation.

Considering the facts and circumstances of the case wherein there are general and omnibus allegations against the appellant, the parties are co-villagers, there is a case and counter case and the informant of the counter case is the mother of this appellant, injuries have been reported from the informant of the counter case also and in the present case some of the similarly situated co-accused have been granted privilege of bail by this Court, the appellant is said to have 14 criminal antecedents but in all the cases he is on bail as stated in paragraph '3', this Court sets-aside the impugned order and directs release of the

appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Darbhanga in connection with S.C.S.T.G.R. No. 19 of 2021 arising out of Bahadurpur P.S. Case No. 29 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.