

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2904 of 2021**

Arising Out of PS. Case No.-180 Year-2019 Thana- BELDOUR District- Khagaria

1. AMIT SINGH@AMIT KUMAR S/O KAILASH SINGH R/O VILLAGE-GAWAS (KADWA BASA), P.S.-BELDOUR, DISTRICT-KHAGARIA
2. SUJEET SINGH @ SUCHIT SINGH @ SUJIT KUMAR S/O KAILASH SINGH R/O VILLAGE-GAWAS (KADWA BASA), P.S.-BELDOUR, DISTRICT-KHAGARIA
3. RUPESH SINGH @ RUPESH KUMAR @ AVINASH KUMAR S/O KRISHNADEO SINGH R/O VILLAGE-GAWAS (KADWA BASA), P.S.-BELDOUR, DISTRICT-KHAGARIA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

2 27-07-2021 Heard Mr. Sunil Kumar, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State.

This appeal is directed against the order dated

10.06.2021 passed by the learned Additional Sessions

Judge-I-cum-Special Judge, Khagaria in A.B.A. No. 12 of

2021 arising out of Beldour P.S. Case No. 180 of 2019,

whereby the prayer made on behalf of the appellants for

grant of anticipatory bail for the offences under Sections

147, 148, 341, 323, 324, 307, 447, 436 and 504 of the



Indian Penal Code and Section 3(1)(R), 3(2)(III) (v) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that seven persons including the appellants assaulted and abused the members of the prosecution party.

Learned counsel for the appellants has submitted that the police after investigation found the case to be absolutely false so far as the appellants are concerned and submitted chargesheet against the other accused persons. Even those persons who were chargesheeted, on them the offence under Section 436 of the Indian Penal Code was not saddled as there was no evidence of burning of the dwelling house. However, differing with the police report, cognizance has been taken against the appellants as well. It has been submitted that for the reason of the appellant nos. 1 and 2 being students and prosecuting their studies at Bhagalpur and appellant no. 3 being a daily wage earner in the State of Andhra Pradesh, they were not sent up for trial. There was no reason, it has been argued, for the Special Court to have differed with the police report so far the accusation against



the appellants are concerned and take cognizance against them also. There is a pending land dispute between the parties and the learned counsel for the petitioner has drawn the attention of this Court to the Title Suit which is being contested on behalf of the parties. The accusation under the SC/ST (POA) Act, therefore, has been levelled only for the purpose of preventing the appellants and other accused persons from taking advantage of provision of anticipatory bail.

Learned counsel for the appellants, therefore, submits that no offence under SC/ST (POA) Act, can at all be said to have been made out against the appellants.

For the reasons afore-stated, the order dated 10.06.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Khagaria so far as the appellants are concerned, is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from



the date of receipt /production of a copy of this order on his
furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten
Thousand) with two sureties of like amount each to the
satisfaction of learned Additional Sessions Judge-I-cum-
Special Judge, Khagaria in connection with Beldour P.S.
Case No. 180 of 2019.

(Ashutosh Kumar, J)

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