

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1998 of 2020

Arising Out of PS. Case No.-475 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

1. PREM SINGH @ PREM KUMAR SINGH Son of Sri Sudarshan Singh Resident of Village - Chhotki Sasaram, P.S. - Udwatnagar, District - Bhojpur.
2. Nikky @ Vikky Singh S/O Sri Jashwant Singh Resident of Village - Chhotki Sasaram, P.S. - Udwatnagar, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 04.03.2020 passed by learned 1st Additional District and Sessions Judge, Bhojpur, in connection with Udwantnagar (Gajrajganj) P.S. Case No. 475 of 2019 under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that on 08.12.2019 while



the informant was doing the work of brick soiling, in the meantime, appellants came and abused him by calling his caste name and appellant no. 1 assaulted him with 'Kudal' causing head injury.

It is submitted on behalf of the appellants that no such occurrence has ever taken place and these appellants have been falsely implicated. In fact, informant is videographer and has taken contract of videography of the marriage ceremony of sister of appellant no. 1 and scuffle took place between the parties. No case under SC/ST Act is made out. Appellants have got clean antecedent.

However, Special Public Prosecutor opposed the bail application and submitted that there is specific allegation of assault by 'Kudal' against appellant no. 1.

So far as case of Prem Singh @ Prem Kumar Singh appellant no. 1 is concerned, there is specific allegation of assault, therefore, I am not inclined to enlarge him on anticipatory bail. Accordingly, the appeal of appellant no. 1 is rejected.

However, there is no allegation of overt act against appellant no. 2.

Considering the aforesaid facts, this appeal is partly



allowed. The impugned order dated 04.03.2020 passed by learned 1st Additional District and Sessions Judge, Bhojpur, is set aside with regard to Nikky @ Vikky Singh appellant no. 2.

Let the appellant no. 2 Nikky @ Vikky Singh above-named, in the event of his arrest/surrender before the court below 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Bhojpur in connection with Udwantnagar (Gajrajganj) P.S. Case No. 475 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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