

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2048 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- HULASGANJ District- Jehanabad

1. DHEERAJ SINGH @ DHEERAJ KUMAR SINGH S/o Anil Singh Resident of Village- Kairwa, P.S.- Ghoshi, District- Jehanabad.
2. Ranjeet Kumar S/o Late Kameshwar Singh Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.
3. Sanjeet Kumar @ Mukhiajee S/o Late Kameshwar Singh Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.
4. Sanjay Sharma @ Sanjay Singh @ Sanjay Rangdar S/o Late Ranjan Singh Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.
5. Bipin Kumar S/o Ram Vinay Singh Resident of Village-Kairwa, P.S.- Ghoshi, District-Jehanabad.
6. Dheeraj Kumar @ Babua Sharma S/o Nagendra Sharma Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.
7. Ravi Kant Kumar @ Golu Singh S/o Ram Kishor Singh Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.
8. Niraj Kumar @ Niraj Singh S/o Late Kishori Singh Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.
9. Ameet Kumar @ Kallu Singh S/o Satish Sharma Resident of Village-Kairwa, P.S.-Ghoshi, District-Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-01-2021 At the outset, learned counsel for the appellants seeks permission to withdraw the anticipatory bail application with regard to Ranjeet Kumar Appellant No. 2, Sanjay Sharma @ Sanjay Singh @ Sanjay Rangdar Appellant no. 4, Dheeraj Kumar @ Babua Sharma Appellant no. 6 and Niraj Kumar @ Niraj Singh Appellant no. 8, as during pendency of this appeal,



appellant nos. 2, 4, 6 and 8 have already been arrested.

Prayer is allowed. The appeal with regard to appellant nos. 2, 4, 6 and 8 is dismissed as withdrawn having become infructuous.

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 19.08.2020 passed by learned Additional District and Sessions Judge Ist, Jehanabad in connection with Hulasganj P.S. Case No. 51 of 2020 under Sections 147, 148, 149 and 307 of the Indian Penal Code and section 27 of the Arms Act and section 3(1)(r)(s)(w) and 3(2)(va) 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 20.03.2020 at about 6.00 am, when the informant went at his field he saw that these appellants and other accused persons were digging sand from the field and loading the same on a tractor. When the same was objected, all the them abused him by calling his caste name. Co-appellant Dheeraj Singh, Pawan Singh and Ranjeet Kumar made indiscriminate firing, but no one was hurt and the accused



persons also took away the tailor of another tractor.

It is submitted on behalf of the appellants that appellants have been falsely implicated due to village politics. None has sustained injury or firearm injury. There is general and omnibus allegation. No case under SC/ST Act is made out. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 19.08.2020 passed by learned Additional District and Sessions Judge Ist, Jehanabad is set aside.

Let the appellant nos. 1, 3, 5, 7, 9, above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge Ist, Jehanabad in connection with Hulasganj P.S. Case No. 51 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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