

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.734 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. PARSHURAM PRASAD @ PRASHURAM PRASAD Son of Late Bhabhikhan Prasad Resident of Village - Vishunpur Mahuari, Police Station - Maharajganj, District - Siwan
2. Bharat Prasad Son of Late Bhabhikhan Prasad Resident of Village - Vishunpur Mahuari, Police Station - Maharajganj, District - Siwan
3. Rajal Prasad @ Rajal Kumar Son of Parshuram Prasad @ Prashuram Prasad Resident of Village - Vishunpur Mahuari, Police Station - Maharajganj, District - Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh- Advocate
For the Respondent/s : Mr. Sadanand Paswan- A.P.P.

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

4 23-08-2021 Heard Mr. Bijay Prakash Singh, the learned Advocate

for the appellants and Mr. Sadanand Paswan, the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated
31.08.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, Siwan in connection with
Maharajganj P. S. Case No.65 of 2020, instituted for the
offences under Sections 341, 323, 324, 448, 354, 379, 34 of
the Indian Penal Code and Section 3(i)(r) of the Scheduled
Castes & Scheduled Tribes (Prevention of Atrocities) Act,
1989, whereby their prayer for grant of anticipatory bail has



been rejected.

By order dated 12.07.2021, the case diary was called for.

It is alleged in the F.I.R. that the appellants have misbehaved with the informant and other members of the prosecution party. The injuries suffered by the victim are stated to be simple in nature. There is a dispute with respect to drainage of water and precisely for that dispute, this case has been lodged with accusation attracting the SC/ST (P.O.A.) Act. The aforesaid accusation is only for the purposes of adding seriousness to the offence.

The appellants do not have criminal antecedents. The appellants are also residents of the same village as that of the informant and others.

Regard being had to the aforesaid submissions, the order dated 31.08.2020 is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of the learned 1st Additional Sessions Judge-
cum-Special Judge, Siwan in connection with Maharajganj P. S.
Case No.65 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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