

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2091 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- HARINMAR District- Munger

1. Devo Singh, Aged about 65 years, Male, Son of Rameshwar Singh
2. Mantu Singh, aged about 30 years, Male Son of Rameshwar Singh
3. Jagdish Singh, aged about 35 years, Male Son of Devo Singh
all are resident of Village - Laxmipur, Durgasthan, P.S.- Harinmar, District - Munger
4. Mahesh Singh, aged about 54 years, Male Son of Chhotan Singh Resident of
Village - Reta, P.S.- Harinman, District - Munger

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Ajit Kumar Singh, Advocate
For the Respondent : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 22-03-2021 Heard learned counsel appearing on behalf of the appellants and learned Special Public Prosecutor appearing on behalf of the State.

Appellants are aggrieved by the order dated 23.06.2020 passed by Additional District & Sessions Judge-I, Munger in connection with Harinmar P.S. Case No.04 of 2020 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer of the appellants for grant of anticipatory bail has been rejected.



Learned counsel appearing on behalf of the appellants would submit that the allegation of assault was specifically made against co-accused Suman Kumar Singh.

In order to ascertain this aspect of the matter, case diary was called for vide order dated 09.02.2021. From perusal of the case diary it appears that the main assailant is Suman Kumar Singh. From narration of the fact it appears that allegation under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act was levelled in the present case on the ground that the assailant and the others surrounded the victim and used the caste name of the victim. The prosecution case indicates that such occurrence was not in public view and as such stricto sensu the provision of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is not attracted.

Considering the fact that appellant no.2 Mantu Singh has no criminal antecedent, the Court is inclined to allow the criminal appeal. The order dated 23.06.2020 passed by Additional District & Sessions Judge-I, Munger in connection with Harinmar P.S. Case No.04 of 2020 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is set aside. Let appellant no.2,



namely, Mantu Singh, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-I, Munger in connection with Harinmar P.S. Case No.04 of 2020.

Accordingly, the criminal appeal of appellant no. 2, namely, Mantu Singh is allowed.

So far as appellant nos. 1, 3 and 4, namely, Devo Singh, Jagdish Singh and Mahesh Singh, are concerned, having regard to the fact that they have earlier been made accused in connection with Muffasil P.S. Case No. 217 of 2008 registered for the offence under Section 307 and 302/34 of the Indian Penal Code, the Court is not inclined to grant the privilege of anticipatory to them. Their prayer for anticipatory bail is rejected.

However, in the event the petitioners surrender before the court below and seek regular bail, the court below shall consider and dispose of the same on its own merits on the same day without being prejudiced by the order of rejection of this application.

BT/-

U		T	
---	--	---	--

(Anil Kumar Upadhyay, J)

