

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2018 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- SC/ST District- Sheikhpura

1. PURSOTTAM SINGH @ PURUSHOTTAM SINGH @ PUROSHTTAM SINGH @ KARU SINGH Son of Rajan Prasad Singh
2. Shiv Shankar Kumar Singh @ Seo Shankar Kumar Singh @ Mutan Singh Son of Late Bhushan Singh

Both are resident of Village- Kemra, P.S.- Ariari, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed. Rizwanul Haque

For the Respondent/s : Mr. Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 27-01-2021 Heard learned counsel for the appellants and learned Special P.P. for the State as well as learned counsel for the informant.

The present appeal has been filed against the order dated 25.08.2020 passed by learned 1st Additional District and Sessions Judge, Sheikhpura, in connection with Sheikhpura SC/ST P.S. Case No. 12/2020 registered for the offences punishable under Sections 341/323/379/504/506/34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(Va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, three accused appellants



including three unknown persons abused the son of the informant by caste name and also snatched Vivo mobile phone. It is further alleged that next day, appellants also abused the informant and assaulted him with fists and slaps.

It is submitted on behalf of the appellants that though the alleged occurrence is said to have taken place on 09.04.2020, but the FIR has been lodged after a delay of eight days for which no plausible explanation has been given which itself shows that the instant case is false, concocted and absurd. Appellants are resident of different village and there is general and omnibus allegation against them and they have got no criminal antecedents as stated in paragraph No. 3 of the petition.

However, learned counsel appearing on behalf of the informant vehemently opposed the bail application and submitted that these appellants have abused and assaulted the informant and his son.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 25.08.2020 passed by learned 1st Additional District and Sessions Judge, Sheikhpura, in connection with Sheikhpura SC/ST P.S. Case No. 12/2020 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the



event of arrest or surrender 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 learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No. 12/2020.

(Prabhat Kumar Singh, J)

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