

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2039 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- BANIAPUR District- Saran

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1. MUKHTAR SINGH S/O Late Kanhiya Singh Resident of Village - Beruin, Police Station - Baniapur, District - Saran.
 2. Sanju Devi @ Manju Devi W/O Mukhtar Singh Resident of Village - Beruin, Police Station - Baniapur, District - Saran.
 3. Uday Singh S/O Mukhtar Singh Resident of Village - Beruin, Police Station - Baniapur, District - Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarva Deo Singh
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 Mukhtar Singh appellant no. 1, as during pendency of this case, appellant no. 1 has already been arrested.

Prayer is allowed. The anticipatory bail application with regard to appellant no. 1 is dismissed as withdrawn having become infructuous.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 20.08.2020 passed by learned Additional District and Sessions Judge-I-cum-Special Judge (SC/ST Act), Saran in connection with Baniapur P.S. Case No. 158 of 2020 under Sections 341, 504, 323, 379, 506 and 34 of the Indian Penal Code and section 3(1)(m)(s) 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 01.06.2020 at 9.00 am, while the informant was engaged in construction of his house, all the accused persons including appellant nos. 2 and 3 started abusing him by calling his caste name and co-appellant Mukhtar Singh assaulted him by lathi and Uday Singh appellant no. 3 snatched cash of Rs. 5,000/- from his pocket.

It is submitted on behalf of the appellants that there is general and omnibus allegation. Specific allegation of assault is against co-appellant Mukhtar Singh. Appellant no. 2 is wife and appellant no. 3 is son of Mukhtar Singh. No case under SC/ST is made out. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 20.08.2020 passed by learned Additional District and Sessions Judge I-cum-Special Judge (SC/ST Act), Saran, is set aside.



Let Sanju Devi @ Manju Devi appellant no. 2 and Uday Singh appellant no. 3, 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-cum-Special Judge (SC/ST Act), Saran in connection with Baniapur P.S. Case No. 158 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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