

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1847 of 2020**

Arising Out of PS. Case No.-1 Year-2020 Thana- SC/ST District- Siwan

1. Harendra Singh, Male, aged about 40 years, S/o Harnarayan Singh, Resident of Village-Gobrahi, P.S.-Mairwa, District-Siwan.
2. Durga Rai, Male, aged about 52 years, S/o Mahavir Rai, Resident of Village-Kabirpur, P.S.-Mairwa, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghav Prasad, Advocate
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 26-02-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 03.07.2020 passed by learned Additional Sessions Judge-I-cum-Special Judge, Siwan in A.B.P. No.657 of 2020, whereby the Anticipatory Bail Petition of the appellants in connection with SC/ST Siwan P.S. Case No.01 of 2020 for the offences punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3 (i)(r)(s)/3(2)(va) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case in brief is that on 04.01.2020 at about 4.00, the informant was sitting at his door in the meantime



appellants came and asked that you have purchased the land of Khata No.404 Plot No.1975 and demanded receipt. The informant refused to give receipt and due to this reason, they assaulted him with fist and also abused by caste name. On alarm, his daughter-in-law came then they threatened to kill him by firing.

Learned counsel for the appellants submits that there is land dispute between the parties. A Title Suit bearing No.409 of 2019 is pending before the learned Sub-Judge-1, Siwan between the parties in which appellants are plaintiff nos.1 and 2 and the informant is defendant no.2. He further submits that there is general and omnibus allegation against the appellants. There is no specific overt act against the appellants.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge, Siwan in connection with



SC/ST Siwan P.S. Case No.01 of 2020, subject to the condition
as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 03.07.2020 is set aside
and appeal is allowed.

(Anjani Kumar Sharan, J)

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