

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2053 of 2020

Arising Out of PS. Case No.-89 Year-2020 Thana- MADANPUR District- Aurangabad

1. Dhiru Kumar S/o Krishna Singh @ Krishan Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
2. Upendra Singh @ Upendra kumar Singh S/o Late Triveni Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
3. Birendra Singh S/o Lallu Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
4. Nandu Singh @ Nandu Kumar Singh S/o Late Kailash Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
5. Murari Singh S/o Late Kailash Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
6. Ujjwal Kumar S/o Ravindra Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
7. Kavilash Singh S/o Late Ganauri Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.
8. Dharmendra Kumar S/o Late Paras Singh Resident of Village-Chandelpur, P.S.-Madanpur, District-Aurangabad.

... .. Appellants

Versus

1. The State of Bihar
2. Ganesh Rajak S/o Sukhlal Baitha Resident of Village-Fudkibigha, P.S.-Madanpur, District-Aurangabad.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-07-2021 At the outset, learned counsel for the appellants submits that prayer for anticipatory bail to appellants no.2,3,5,7 and 8 has become infructuous as they have already been arrested.

Appeal for grant of anticipatory bail to the aforesaid appellants is dismissed as being infructuous.

Heard learned counsel for appellants no. 1, 4 and 6



and learned Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 5.9.2020 passed by learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Aurangabad in Madanpur Police Station Case No. 89 of 2020, registered for the offence punishable under Section 307 and other allied sections of the Indian Penal Code, section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2) of SC/ST Act, whereby the prayer for grant of anticipatory bail of the appellants no. 1, 4 and 6 was rejected.

As per the prosecution case, appellants and other accused persons named in the FIR abused the informant by his caste name and fired on him as a result of which he sustained fire arm injury in his leg.

It is submitted on behalf of appellants that there is no allegation of making fire on appellants no.1 and 6. It is also submitted that the FIR has been lodged belatedly after three and a half days of the occurrence without giving cogent explanation. It is further submitted that there is land dispute between the parties and there is a case and counter case and in the case filed by the appellants' side, namely, Madanpur Police Station Case No. 88 of 2020 dated 20.5.2020 one person from appellants'



side has been killed. Appellants have got clean antecedent.

Learned counsel appearing for the State opposes the prayer for bail. He submits that appellant no.4 has been alleged to have opened fire causing injury to one Chetan Yadav.

Considering the aforesaid facts and circumstances, order dated 5.9.2020, passed by learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Aurangabad in Madanpur Police Station Case No. 89 of 2020, is set aside in respect of appellants no. 1 and 6.

Accordingly, during pendency of this appeal, in the event of arrest/surrender, let appellants no. 1 and 6 as above, be released 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 Additional Sessions Judge I cum Special Judge, SC/ST Act, Aurangabad in Madanpur Police Station Case No. 89 of 2020.

Prayer for pre-arrest bail of appellant no.4 is rejected.

(Prabhat Kumar Singh, J)

Shashi

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

