

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.859 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- RIGA District- Sitamarhi

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1. MANOJ KUMAR @ MANOJ SINGH Son of Shri Nagendra Singh Resident of Village- Ramnagra, Ward No. 12, P.S.- Riga, District- Sitamarhi.
 2. Sanjeev Kumar @ Sanjeev Kumar Singh Son of Late Narayan Singh Resident of Village- Hariharpur, Ward No. 10, P.S.- Riga, District- Sitamarhi.
 3. Ranjeet Kumar Son of Shri Shatrughan Singh Resident of Village- Ramnagra Chanwaniya Patti, Ward No. 16, P.S.- Riga, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kripa Nand Jha, Advocate
		Mrs. Sandhya Kumari Sinha,
For the Respondent/s	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellants and the State through virtual mode.

It is submitted by Mr. Kripa Nand Jha, learned counsel for the appellants that Mr. Arun Kumar, advocate on record has already died due to Covid-19. So his name be expunged from the record.

Accordingly, the name of Mr. Arun Kumar, advocate on record is expunged from the record.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the



appellants in connection with Riga P.S. Case No. 52 of 2020 registered for the offences under Sections 147, 307, 323, 554, 380, 504, 506 of the Indian Penal Code and Sections 3(1)(s)(v) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, while the informant was going to take bath, the appellants and others, all residents of PS Riga, District-Sitamarhi came at math having armed and they started abusing taking the informant's caste name and threatened him of dire consequences. The appellant No. 1 is alleged to have taken out pistol from his waist and demanded key and on denial all started assaulting the informant.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is land dispute between the parties. The nature of injury is said to be simple. Hence, no offence u/S 307 of the Indian Penal Code is made out. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 20-07-2020/25-08-2020 passed by learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi in Riga P.S. Case



No. 52 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Special Case No. 154 of 2020 arising out of Riga P.S. Case No. 52 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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