

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.735 of 2021

Arising Out of PS. Case No.-92 Year-2020 Thana- MANJHI District- Saran

1. PRINCE SINGH ALIAS PRINCE KUMAR SINGH Son of Satyendra Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
2. Nitesh Singh @ Nitesh Kumar Singh @ Ratan Singh Son of Parmatma Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
3. Sami Singh @ Sumy Singh Son of Trilokinath Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
4. Priyanshu Singh Son of Ajay Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
5. Atul Singh Son of Munna Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
6. Triloki Singh @ Trilokinath Singh Son of Late Keshav Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
7. Krishna Singh Son of Shilanath Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
8. Kishan Singh @ Kishan Kumar Son of Kaushal Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
9. Ankit Singh @ Ankit Kumar Son of Shubhash Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
10. Ajay Singh Son of Late Awadhesh Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
11. Sahil Singh Son of Rakesha Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.
12. Sunny Singh Son of Trilokinath Singh Resident of Village - Baharan Singh Tola, P.S. - Manjhi, District - Saran at Chapra.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dewendra Narayan Singh, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Anant Kumar Bhaskar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-07-2021

Heard Mr. Dewendra Narayan Singh, learned



counsel for the appellants and Mr. Anant Kumar Bhaskar, learned counsel for the informant. The state is represented by learned Special Public Prosecutor.

The appellants have challenged the order dated 17.09.2020 passed by the learned Additional District & Sessions Judge -I-cum-Special Judge, SC/ST (POA), Act, Saran at Chapra in Anticipatory Bail Petition No. 1709 of 2020 arising out of Manjhi P.S. Case No. 92/2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 504, 307 and 34 of the Indian Penal Code and under Section 3(r)(s) of SC/ST (POA) Act has been rejected.

It has been alleged in the First Information Report that on 14.04.2020, while the brother of the informant was lighting candle on the birthday of Baba Bhimrao Ambedkar, the appellants forbade him from doing so and made a sarcastic remark against him. When that was objected, the accused persons allowed the matter to pass off with a veiled threat that it shall be dealt with later. About three days after the aforesaid occurrence, appellants, namely, Nitesh Singh



and Sunny Singh asked for a bulb and a holder from the informant and when that was not given to them, the brother of the informant was abused by his caste name and with the help of others including the appellants, the brother of the informant and three others were assaulted.

The brother of the informant has received grievous injuries. The other victims of this case have received simple injuries.

Learned counsel for the appellants has submitted that the occurrence of abusing the brother of the informant and his associates for lighting candle on the birthday of Baba Bhimrao Ambedkar had taken place about three days ago. This cannot be said to be the motive or the purpose for the occurrence for which the F.I.R has been registered. That case appears to be a simple case of dispute between two groups of villagers. It would not be desirable or warranted, it has been argued, to link the two occurrences with the offence under SC/ST (Prevention of Atrocities Act. Even otherwise, if the allegation of abusing the informant and others in the second part of the F.I.R. is taken to be true, it



is specifically directed against few of the accused persons and not all others who have been made accused in this case.

As opposed to the to the aforesaid contention, learned counsel for the informant has submitted that there is a traceable link between the occurrence of 14.04.2020 and 17.04.2020. While the accused persons had calmed down on 14.04.2020, they had also threatened that they shall settle the scores later. Therefore, the two part of the occurrences which has been reported in the F.I.R. are one and same transaction and the accusation under the SC/ST (Prevention of Atrocities) Act would squarely apply to the case of all the appellants. Even in the later part of the F.I.R, which is with respect to occurrence of 17.04.2020, the brother of the informant has been abused in public view and all the appellants were present there witnessing the occurrence. The participation of the appellants has emboldened this act of aggression by few of them who have assaulted and injured four persons. Therefore, it has been urged that what is sauce for the goose is sauce for the gander too. All the accused persons ought to be held equally responsible.



After having heard the counsel for the parties and having perused the records, it appears that there are two parts of the occurrence and it would not be appropriate to now see the occurrence on 17.04.2020 as a fall out of something which had happened on 14.04.2020. The brother of the informant was accosted for not giving a bulb and a holder to two of the accused persons, namely, Nitesh Singh and Sunny Singh. When the other persons came to his rescue, they too were assaulted. This appears to be a case of simple dispute between two communities in a village. Giving it a colour of a case relating to SC/ST (Prevention of Atrocities) Act, would not be appropriate.

However, regard being had to the fact that appellant no. 2/ Nitesh Singh and appellant no. 12/ Sunny Singh were the persons who had provoked the fight and appellant no. 6/ Triloki Singh @ Trilokinath Singh, who had abused the members of the prosecution party by taking their caste name, I am not inclined to admit them to anticipatory bail.

The prayer on their behalf for interfering with the



order refusing to grant anticipatory bail is rejected.

Should they surrender before the Court below, their application shall be considered on its own merit without being prejudiced by the the present memo of appeal on their behalf has not been entertained.

So far as appellant nos. 1, 3 ,4, 5, 7, 8, 9, 10 and 11 are concerned, the allegation against them is absolutely general and omnibus and they at best could be held to be members of the mob, who have caused simple injuries to some of the victims of this case.

With respect to them, the order dated 17.09.2020 passed by the learned Additional District & Sessions Judge -I-cum-Special Judge, SC/ST (POA), Act, Saran at Chapra, is set aside.

Their appeals are allowed.

The appellant no. 1 / Prince Singh Alias Prince Kumar Singh, appellant no. 3/Sami Singh @ Sumy Singh, appellant no. 4/Priyanshu Singh, appellant no. 5 /Atul Sing, appellant no. 7 /Krishna Singh, appellant no. 8/Kishan Singh @ Kishan Kumar, appellant no. 9/Ankit Singh @ Ankit



Kumar, appellant no. 10/Ajay Singh and appellant no. 11/ Sahil Singh are directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge -I-cum-Special Judge, SC/ST (POA), Act, Saran at Chapra in connection with Manjhi P.S. Case No. 92/2020.

(Ashutosh Kumar, J)

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