

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2037 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- DIGHWARA District- Saran

1. Dinesh Kumar S/o Surendra Sah Resident of Village- Basatpur, P.S.- Dighwara, District- Saran at Chapra.
2. Ratnesh Kumar @ Fokan S/o Surendra Sah Resident of Village- Basatpur, P.S.- Dighwara, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-03-2021 Heard learned counsel for the parties.

The present appeal has been filed against order dated 14.02.2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Saran in Dighwara P.S. Case No. 297 of 2019 registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act, whereby the prayer for grant of anticipatory bail of appellants was rejected.

As per the prosecution case, on 29.09.2019 at 6:30 PM, while the informant was eating in his house, these appellants alongwith other accused persons, in the state of intoxication armed with weapons, entered into the house of informant and started abusing and assaulting him by *farsa* and when son of the informant and other family members came to save him, they were also assaulted by the accused persons, as a



result of which, they sustained injury. It is further alleged that the accused also snatched one golden chain and one mobile phone from the informant.

It is submitted on behalf of appellants that there is general and omnibus allegation of abuse and assault against these appellants and the injuries, sustained by the informant side, have been found to be simple in nature. There is no specific allegation against these appellants.

However, learned Special P.P. for the State has opposed the prayer of appellants and submitted that as per the prosecution case, there is specific allegation against these appellants of causing injuries to the informant and his son by *farsa*.

Considering the aforesaid facts & circumstances as well as specific allegation against these appellants, I am not inclined to interfere with the order of learned court below and as such, the appeal, which has been filed for grant of anticipatory bail to the appellants, stands dismissed.

(Prabhat Kumar Singh, J.)

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