

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.362 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- BARHARIA District- Siwan

1. BIRESH KUMAR VERMA @ BIRESH PRASAD Son of Janardhan Prasad @ Sethi @ Janardhan Prasad Sethi Resident of Village- Koiri Gawa, P.S. Barharia, Distt- Siwan.
2. Dharmendra Kumar Verma @ Dharmendra Kumar Son of Janardhan Prasad @ Sethi @ Janardhan Prasad Sithi Resident of Village- Koiri Gawa, P.S. Barharia, Distt- Siwan.
3. Praveen Kumar @ Pravin Prasad Son of Dwarika Prasad @ Sheoji Prasad Resident of Village- Koiri Gawa, P.S. Barharia, Distt- Siwan.
4. Raj Kumar Verma @ Raj Kumar Son of Sripati Prasad Resident of Village- Koiri Gawa, P.S. Barharia, Distt- Siwan.
5. Sumit Kumar Son of Late Rabindra Prasad Resident of Village- Koiri Gawa, P.S. Barharia, Distt- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Singh
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual mode.

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

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities)



Act, 1989.

The prosecution case, in short, is that the accused persons and 4-5 unknown persons assaulted the informant by means of fists and slaps and accused Ashwini Kumar pointed pistol on the informant and also abused him by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. General and omnibus allegation has been made. The nature of injury is said to be simple. The alleged occurrence has not taken place within public view. Hence no offence under the 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 23.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No.1948 of 2020 in connection with Barharia P.S. case No.274 of 2020,



is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Barharia P.S. case No.274 of 2020.

(Sudhir Singh, J)

Narendra/-

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