

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.97 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- MADANPUR District- Aurangabad

AKHILESH SINGH Son of Late Jagdish Singh Resident of Village - Bela,
P.S.-Madanpur, Distt.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh

For the Respondent/s : Mr.Anil Kumar No.6

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-10-2021 Heard learned counsel for the appellant as well as the
learned counsel for the informant through video conferencing.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 25.09.2020,
corrected vide order dated 01.10.2020, passed by the learned 1st
Additional District and Sessions Judge-cum-Special Judge
(SC/ST), Aurangabad in connection with Madanpur P.S. Case
No. 47 of 2020, registered for the offences punishable under



Sections 147, 148, 149, 341, 325, 504, 506, 307, 323 and 427 of the Indian Penal Code and Sections 3(i)(r),3(1)(s)(w)(1)(II)/3(2) of SC & ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

Mritunjay Ram is the informant of the case. He made allegation that altogether 27 FIR named accused persons came to his house. They abused him and asked him to come out of his house. After breaking the door, they entered inside the house and assaulted Urmila Devi, the wife of the informant. The also abused by calling her caste name. It has further been alleged that when the members of the informant's side went to rescue, they were also badly assaulted.

Learned counsel for the appellant has submitted that the entire allegation is general and omnibus in nature. He has submitted further that co-accused Raushan Kumar Singh, against whom there was specific allegation of assault, was granted anticipatory bail by a coordinate bench of this Court, vide Cr. Appeal (SJ) No. 870 of 2021 under order dated 26.05.2021.

Learned counsel for the informant has opposed the prayer for bail and submitted that altogether eight persons have been injured and Urmila Devi and Indradev Ram have sustained



grievous injuries. In reply, learned counsel for the appellant has submitted that nine persons have been injured from the appellant's side and in this respect Madanpur P.S. Case No. 46 of 2020 has been lodged, which is prior to the present case.

Considering the above-mentioned facts and circumstances, specially the fact that co-accused Raushan Kumar Singh has been granted anticipatory bail by a coordinate bench of this Court, as mentioned above, this Court does not see any reason as to why similar benefit should not be granted to the present appellant for maintaining parity.

Accordingly, the appeal is allowed and the impugned order dated 25.09.2020, corrected vide order dated 01.10.2020, passed by the 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad is set aside.

Let the appellant above-named, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Madanpur P.S. Case No. 47 of 2020

Office shall ensure that all defects are removed by the



appellant within the stipulated time provided in para 2
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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