

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.867 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- SIGAUDI District- Patna

1. MAHENDRA SAO S/O BAKHORA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
2. JUGESHWAR SAO S/O BAKHORA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
3. GAGENDRA SAO S/O BAKHORA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
4. RAM CHANDRA SAO S/O BAKHORA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
5. VINAY SAO S/O MAHENDRA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
6. VIKASH KUMAR S/O MAHENDRA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
7. SMT. SUJANTI DEVI W/O MAHENDRA SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA
8. SMT. SAROJA DEVI W/O VINAY SAO RESIDENT OF VILLAGE PATRINGA, POLICE STATION SIGORI, DISTRICT PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhimanyu Sharma
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2021 Heard learned counsel for the appellants and learned
Special P.P.for the State through virtual mode.

Learned counsel for the appellants seeks permission
of the Court to withdraw this appeal in respect of appellant no. 3
as he has been taken into judicial custody and as such the appeal
has become infructuous.



Permission is accorded.

The application is dismissed as withdrawn in respect of appellant no. 3.

Learned counsel for the appellant nos. 1, 2 and 4 to 8 is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The appellant nos. 1, 2 and 4 to 8 have challenged the order dated 5.11.2020 passed by learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Patna in A.B.P. No. 6464 of 2020 in connection with Sigori P.S. Case No. 153/2020 registered for the offences under sections 147, 149, 341, 323, 354, 379 and 504 of the Indian Penal Code and 3(I)(r), 3(2)(v)(a) of SC/ST Act whereby the prayer made on behalf of the appellant nos. 1, 2 and 4 to 8 for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that on account of land dispute, the accused persons assaulted the informant and family members and also abused by taking caste name.

It has been submitted on behalf of the appellants that the appellant nos. 1, 2 and 4 to 8 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant nos. 1, 2 and 4 to 8. The appellant



nos. 1, 2 and 4 to 8 have falsely been implicated in the present case. The appellant nos. 7 and 8 are ladies. There is a case and counter case between the parties. A free fight is alleged to have taken place. The F.I.R. has been instituted two days after the occurrence. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant nos. 1, 2 and 4 to 8 are named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 5.11.2020 passed by learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Patna in A.B.P. No. 6464 of 2020 by which the anticipatory bail of the appellant nos. 1, 2 and 4 to 8 was rejected.

Let the appellant nos. 1, 2 and 4 to 8 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) each with two sureties of the like amount each to the satisfaction of 5.11.2020 passed by learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Patna in connection



with Sigori P.S. Case No. 153/2020.

The appeal stands allowed in respect of appellant nos.
1, 2 and 4 to 8.

(Sudhir Singh, J)

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