

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.774 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. ANAND KUMAR SHUKLA @ ANAND KUMAR Son of Pramod Shukla
Resident of Village - Chainchak Puraini, P.S.- Jagdishpur, Dist.- Bhagalpur.
2. Nunu Pandey @ Birendra Pandey Son of Sudhir Chandra Pandey @ Sudhir
Pandey Resident of Village - Chainchak Puraini, P.S.- Jagdishpur, Dist.-
Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Choudhary, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021

Re; Interlocutory Application No. 1 of 2021.

Heard Mr. Alok Kumar Choudhary, learned
Advocate for the appellants / applicants and Mr. Sadanand
Paswan, learned Special P.P. for the State.

Mr. Choudhary, learned counsel for the
appellants / applicants seeks condonation of delay in
preferring the memo of appeal.

For the reasons stated in the Interlocutory
Application, the delay in preferring the memo of appeal is
condoned.

The Interlocutory Application No. 1 of 2021



stands allowed.

CRIMINAL APPEAL (SJ) No.774 of 2021

The appellants have challenged the order dated 01.06.2020 passed by the learned Additional Sessions Judge -III-cum-Special Judge (SC/ST), Act, Bhagalpur in A.B.P. No. 762 of 2020 arising out of in Jagdishpur P.S. Case No. 128/2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 147, 148, 149, 323, 324, 307, 504, 506, 379 of the Indian Penal Code, Section 27 of the Arms Act and under Section 3(1)(r)(s), 3(ii)), (va) of SC/ST (POA) Act has been rejected.

It has been alleged in the First Information Report that the informant along with his two associates was assaulted and abused and also fired at for the reasons of defecating in an open space and trying to wash themselves in the pond in which some of the accused persons including the appellants had fishing rights.

Learned counsel for the appellants has submitted that the appeal of one of the accused persons of this case,



namely, Rita Pandey has been allowed by a Bench of this Court. There is nothing specific against the appellants and the accusation of hurling insults and abuses to the members of the prosecution party is nothing but an attempt to make the case look serious.

Seeing the falsity of the accusation and futility of prosecuting each other, the parties have decided to settle their differences. The falsity of the case further appears from the fact that even though firing was allegedly resorted to from a close distance, nobody appears to have been injured.

For the reasons afore-stated order dated 01.06.2020 passed by the learned Additional Sessions Judge -III-cum-Special Judge (SC/ST), Act, Bhagalpur is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of their 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) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge -III-cum-Special Judge (SC/ST), Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 128/2020.

(Ashutosh Kumar, J)

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