

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.741 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- GOPALPUR District- Gopalganj

1. SHREERAM SINGH S/o Late Raja Singh Resident of Village- Sangwa Dih, Gadi Tola, Deurwa, P.S.- Gopalpur, District- Gopalganj, Bihar.
2. Ashok Singh S/o late Raja Singh Resident of Village- Sangwa Dih, Gadi Tola, Deurwa, P.S.- Gopalpur, District- Gopalganj, Bihar.
3. Prabhunath Singh S/o Late Bhimal Singh Resident of Village- Sangwa Dih, Gadi Tola, Deurwa, P.S.- Gopalpur, District- Gopalganj, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satyeshwar Prasad
For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Satyeshwar Prasad, learned counsel for

the appellant and the learned Special Public Prosecutor for

the State.

The appellants have challenged the order dated
15.09.2020 passed by the learned 1st Additional District &
Sessions Judge-cum-Special Judge SC/ST Act, Gopalganj in
Anticipatory Bail Petition No. 1003 of 2020 arising out of in
Gopalpur P.S. Case No. 109 of 2020, whereby the prayer
made on behalf of the appellants for grant of anticipatory
bail for the offences under Sections 341, 323, 324, 504/34



and Section 3(1)(r) of SC/ST (POA) Act has been rejected.

It is alleged in the First Information Report that while the informant was trying to thatch a roof over his hut, that was stopped and on protest, many persons of the side of the prosecution were assaulted. One Arun Kumar Singh is stated to have given knife blow to the son of the informant leading to injuries.

Learned counsel for the appellants has submitted that there is a counter version of the occurrence also which has been lodged by the wife of appellant no. 1. The dispute appears to be over a contiguous plot of land. The appellants though have been named in the F.I.R. but nothing specific has been attributed against them. The person who has assaulted and caused injuries to the informant and others is not one of the appellants in the present memo of appeal. Learned counsel for the appellants, therefore, has submitted that the story of abusing and insulting the informant does not appear to be correct and has been introduced in the F.I.R. only for the purposes of preventing the appellants from taking advantage of provision of anticipatory bail.



For the reasons afore-stated, the order dated 15.09.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST Act, Goppalganj is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of his 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) with two sureties of like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST Act, Goppalganj, in connection with Gopalpur P.S. Case No. 109 of 2020.

(Ashutosh Kumar, J)

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