

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.887 of 2021

Arising Out of PS. Case No.-353 Year-2020 Thana- DEHRI TOWN District- Rohtas

-
1. Pintu Singh, aged about 35 years (M), S/o Bhikhar Singh,
 2. Bhikhar Singh, aged about 64 years (M), S/o Jitendar Singh,
 3. Lootan Singh, aged about 29 years (M), S/o Jitendra Singh @ Jitu Singh
- All residents of village Bhatauli, PS- Indrapuri, District- Rohtas
... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 25-05-2021

In view of resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellants and the learned Special P.P. for the State.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellants have preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for anticipatory bail, vide order dated 23.11.2020 passed by the learned Ist Additional District and Sessions Judge, Sasaram, Rohtas, in Registration No. 237 of 2020 arising out of Dehri (Indrapuri) P.S. Case No. 353 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code, and Section 3(2)(v) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 23.11.2020.

The informant has alleged that being infuriated over some obscene words spoken over telephone, eight accused persons, including the appellants, variously armed have come with lathi, tangi, etc and assaulted the prosecution party. One Laaleshwar Paswan has sustained grievous injuries on his head. Two days later he has died. The FIR has also been lodged two days after the alleged



occurrence.

Learned Counsel for the appellants submits that against all the appellants there has been general and omnibus allegation. Four co-accused persons namely Jitendra Singh @ Jeeta Singh, Jugul Singh, Bijendra Singh @ Bigu Singh and Bholi Singh @ Suraj Singh have been allowed bail in Cr. Appeal (SJ) No. 2046 of 2020. The appellants' case is in no manner distinguishable from the allegations made against those four co-accused persons. The appellants have clean antecedent and there is a case and counter case in respect of the same occurrence. The counter version is to be found in Indrapuri O.P. PS. Case No. 354 of 2020 wherein it is alleged that the prosecution party have assaulted the accused persons and outraged the modesty of daughter of co-accused Jitendra Singh. Submission is that injuries have been sustained in the free fight which has taken place due to illegal act committed by members of prosecution party. Appellant No. 1 is in custody since 11.09.2020 and appellants No. 2 and 3 are in custody since 03.10.2020.

Mr. Paswan, learned Special PP has appeared and opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellants' prayer for bail.

Accordingly, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Rohtas, Sasaram in connection with Dehri (Indrapuri) P.S. Case No. 353 of 2020.

In the result, the appeal is allowed and the impugned order dated 23.11.2020 is set aside.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

