

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.776 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. BIPIN BIHARI SINGH Son of Late Kapildev Singh R/o Village- Amar Chapra, P.S.- Chapra Muffasil, District- Saran.
2. Chandan Singh Son of Bir Bahadur Singh R/o Village- Amar Chapra, P.S.- Chapra Muffasil, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kant Singh, Adv.

For the Respondent/s : Ms. Usha Kumar, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 30-06-2021 Heard Mr. Krishna Kant Singh, learned counsel

for the appellants and Ms. Usha Kumari, learned Special

P.P. for the State.

The appellants have challenged the order dated
01.10.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in
A.B.P. No. 1379/2020 arising out of Chapra (M) P.S. Case
No. 11 of 2020, whereby the prayer made on behalf of the
appellants for grant of anticipatory bail for the offences
under Sections 147, 323, 324, 504 and 354 of the Indian
Penal Code and Section 3(i)(x) of SC/ST (POA) Act has



been rejected.

It is alleged in the First Information Report that the appellant and others assaulted the informant, his sister and other members of his family. It has been argued that a false case has been instituted because of land dispute with the informant. Learned counsel for the appellants has drawn the attention of this Court to the fact that a proceeding under Section 107 and 144 Cr.P.C. is pending between the parties. In fact, the police has found that the informant / prosecution party had violated the prohibitory orders. A Jamabandi case and a Title Suit is also pending between them. Thus, it can safely be inferred, it has been urged, that none of the offences under SC/ST (POA) Act can at all be said to have been made out against the appellants.

For the reasons afore-stated, the order dated 01.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Chapra (M) P.S. Case No. 11 of 2020.

(Ashutosh Kumar, J)

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