

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4287 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- ARWAL District- Jehanabad

1. Kishlay Singh, Male, aged about 52 years, S/o Ram Pravesh Singh, R/o Village- Santawan Bigha, P.S.- Arwal, District- Arwal.
2. Rohit Kumar, Male, aged about 28 years, S/o Kishlay Singh, R/o village- Santawan Bigha, P.S.- Arwal, District- Arwal.
3. Rajendra Singh, Male, aged about 58 years, S/o Lakhichandra Singh, R/o village- Santawan Bigha, P.S.- Arwal, District- Arwal.
4. Shambhu Singh, Male, aged about 37 years, S/o Rajeshwar Singh, R/o village- Santawan Bigha, P.S.- Arwal, District- Arwal.
5. Vikas Kumar, Male, aged about 26 years, S/o Suryabind Singh, R/o village- Santawan Bigha, P.S.- Arwal, District- Arwal.
6. Satish Singh @ Vakil Singh, Male, aged about 42 years, S/o Indradeo Singh, R/o village- Santawan Bigha, P.S.- Arwal, District- Arwal.
7. Aklesh Singh @ Akhilesh Kumar, Male, aged about 32 years, S/o Mahendra Singh R/o village- Santawan Bigha, P.S.- Arwal, District- Arwal.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Shakti Suman Kumar, Advocate.
For the Respondent	:	Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-03-2021 Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Arwal P.S. Case No. 153 of 2019, registered for the offences under Sections 452, 354(A) of the I.P.C., 8 of POCSO Act, 2012 and 3(i)(r)(f) of SC/ST (POA) Act.

The prosecution case, in short, is that on 08.06.2019 at 12.30 P.M., the daughter of the informant, namely, Kajal



Kumari aged about 13 years, was in her house alone, in the meantime, co-accused Jitendra Singh came and wanted her to pull down on the earth but she bitten him and fled away. In the evening, other accused persons including the appellants came and abused the informant with caste name and assaulted with *Lathi Danda* and broken his door.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and they have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against them. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06.08.2019, passed in Arwal P.S. Case No. 153 of 2019 by learned Ist Additional District and Sessions Judge, Jehanabad, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the



event of arrest or 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Ist Additional District and Sessions Judge, Jehanabad, in connection with Arwal P.S. Case No. 153 of 2019.

(Sudhir Singh, J)

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