

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5780 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- SINGHIYA District- Samastipur

1. MOHAN KAVI Son of Badri Kavi Resident of Village - Shripur Muan, P.S.-
Singhia, Distt.- Samastipur.
2. Sohan Kavi Son of Mohan Kavi Resident of Village - Shripur Muan, P.S.-
Singhia, Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-03-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 323, 325, 341/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellant No.1 assaulted the informant's right hand by means of lathi and appellant No.2 assaulted the daughter of the informant by means of fist and slap and they abused him by taking his caste name.

It has been submitted on behalf of the appellants that the appellant No.2 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case.



There is admitted land dispute between the parties. After two days of the occurrence, the present case has been instituted. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case. Other co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide Annexure 3 to the present application.

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 04.12.2019, passed by the learned 1st Additional Sessions Judge, Samastipur vide A.B.P. No.2962 of 2019 in connection with Singhia P.S. case No.61 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, SC/ST (POA) Act, Samastipur in connection with Singhia P.S. case No.61 of 2018.

(Sudhir Singh, J)

Narendra/-

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