

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.943 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- GAYA KOTWALI District- Gaya

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1. AMIT SINGH SON OF MANESHWAR SINGH, RESIDENT OF VILL- DUKH-HARNI MANDIR, A.N. ROAD, GAYA, P.S- KOTWALI, DIST- GAYA.
 2. PAMMY SINGH WIFE OF AMIT SINGH, RESIDENT OF VILL- DUKH-HARNI MANDIR, A.N. ROAD, GAYA, P.S- KOTWALI, DIST- GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNI DEVI WIFE OF LATE BALBHADRA PRASAD RESIDENT OF VILL- DUKH-HARNI MANDIR, A.N. ROAD, GAYA, P.S- KOTWALI, DIST- GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 12-09-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellant as well as the learned counsel for the informant.

At the outset, the learned counsel for the appellants has submitted that during the pendency of this appeal, the appellant no. 1, Amit Singh died and, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this appeal with respect to appellant no.1.

In view of the aforesaid submission, **this appeal is**



dismissed as withdrawn with respect to appellant no. 1.

So far as **appellant no. 2 is concerned**, this appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 18.02.2022 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Kotwali P.S. Case No. 357 of 2021 registered for offence punishable under sections 341, 323, 504 and 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant(s) has been rejected.

As per allegation, the accused persons inebriated state abused the informant and also threatened to lift his daughter. Co-accused Divya Singh assaulted the informant with iron rod and they also abused the informant by calling her caste name.

The learned counsel for the appellants has submitted the appellants are the tenants of the informant and there was some dispute regarding tenancy of the premises. He has submitted further that when the dispute arose, the appellants have vacated the premises.

On the other hand, Mr. Anil Kumar Saxena, the learned counsel for the informant has opposed the prayer for bail and submitted that the appellants badly assaulted the informant and her



family members.

It appears that the occurrence had taken place due to some dispute regarding tenanted portion of the house of the informant.

As submitted by the learned counsel for the appellants, the premises have already been vacated by the appellants and appellants are the persons of clean antecedents.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 18.02.2022 is set aside.

Accordingly, **appellant no. 2**, in the event of arrest or surrender before the court below within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Kotwali P.S. Case No. 357 of 2021.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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