

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3987 of 2021**

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

1. BHUPENDRA SINGH @ BHUPENDRA PRASAD SINGH SON OF LATE RAMDATTA SINGH Resident of Village - Ramgarha, P.s.- Avatar Nagar, Distt.- Saran at Chhapara.
2. Ashwini Kumar @ Ashwini Singh Son of Bhupendra Singh @ Bhupendra Prasad Singh Resident of Village - Ramgarha, P.s.- Avatar Nagar, Distt.- Saran at Chhapara.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. S.R.P. Bakshi, Sr. Adv. Mr. Giridhar Gopal Tiwary, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P. Mr. Ravi Prakash, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

3 31-08-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

I have already heard the learned counsel for the appellants as well as learned counsel for the informant.

At the outset, learned counsel for the appellants has submitted that the appellant No. 1 was arrested and the appeal in his respect has already been withdrawn vide order dated 30.06.2022.

This appeal has been preferred on behalf of the appellant No. 2 under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 09.08.2021 passed by the learned Additional Sessions Judge-1st-



cum-Special Judge, SC/ST, (POA) Act, Saran at Chapra arising out of Avatar Nagar P.S. Case No. 206 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 120B, 504, 506 of the Indian Penal Code & Section 3(1)(S)(R), 3 (2)(Va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per FIR, the informant Rohit Kumar went to the house of co-accused Santosh Singh with an application to avail the benefit of flood relief. Thereafter, co-accused Santosh Singh abused him by calling his caste name. The appellant No. 1 also abused him by calling his caste name and assaulted him. Thereafter, eighteen accused persons came there and they badly assaulted the informant and the members of SC/ST Caste.

Learned counsel for the appellant has submitted that there is case and counter case. The members of prosecution side had badly assaulted co-accused Santosh Singh and his family members and they became badly injured and in this respect Santosh Singh has lodged a case i.e. Awtarnagar P.S. Case No. 205 of 2020 on the same day. He has also submitted that most of the injured persons have suffered simple injuries and in respect of some injured persons the opinion has been reserved and the appellant No. 2 is a person of clean antecedent.

It appears that there was free fight between two groups



and both groups has suffered injuries, as such, the case cannot be said to be originated due to malicious feeling of caste.

As such, the appeal is allowed and the impugned order dated 09.08.2021 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Saran at Chapra is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Avtar Nagar P.S. Case No. 206 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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