

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4094 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- SC/ST District- Bhagalpur

1. Amit Kumar Singh @ Pinku Son of Late Krishna Dev Prasad Singh Resident of Village- Bhawanipur, P.S.- Bihpur (Bhawanipur O.P.), District- Bhagalpur.
2. Tinku Kumar Singh Son of Late Drishna Dev Prasadd Singh Resident of Village- Bhawanipur, P.S.- Bihpur (Bhawanipur O.P.), District- Bhagalpur.
3. Minku Kumar Singh Son of Photan Singh Resident of Village- Bhawanipur, P.S.- Bihpur (Bhawanipur O.P.), District- Bhagalpur.
4. Rajnish Kumar Singh @ Rajnish Kumar Son of Photan Singh Resident of Village- Bhawanipur, P.S.- Bihpur (Bhawanipur O.P.), District- Bhagalpur.
5. Chetan Kumar Singh @ Chetan Kumar Son of Shailendra Prasad Singh Resident of Village- Bhawanipur, P.S.- Bihpur (Bhawanipur O.P.), District- Bhagalpur.
6. Shailendra Prasad Singh @ Surendra Kumar Singh Son of Late Saudi Prasad Singh Resident of Village- Bhawanipur, P.S.- Bihpur (Bhawanipur O.P.), District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 26.08.2021 passed by the learned 3rd Additional District Judge-cum-Special Judge SC/ST Act, Bhagalpur in connection with Naugachia SC/ST P.S. Case No. 11 of



2020 instituted for the offences under Sections 147, 341, 323, 325, 448, 354(B), 504, 506, 427, 379 of the Indian Penal Code and Section 3(1)(r)(s) 3(2)(va) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail, in anticipation of arrest, has been rejected.

It is alleged that all the accused persons including the appellants came at the door of the informant and abused her by calling caste name and when husband of the informant raised protest, he was also abused and assaulted. The accused persons also abused other family members of the informant and made assault.

It is submitted by learned counsel for the appellants that there is a land dispute between the parties. There is counter version of the occurrence also. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.



Learned Special Public Prosecutor appearing for the State has vehemently opposed the prayer for bail of the appellants and submitted that learned Court below has taken cognizance under the provisions of SC/ST Act after finding the case true against the appellants.

Considering the aforestated facts and circumstances of the case, this Court is not inclined to entertain the present appeal and the same is dismissed.

However, it is observed that if the appellants appear before the Court below and seek regular bail, it shall be decided on its own merits, without being prejudiced by the fact that this appeal has not been entertained.

The appeal is, accordingly, dismissed.

(Sunil Kumar Panwar, J)

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