

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4429 of 2021

Arising Out of PS. Case No.-411 Year-2021 Thana- DARIYAPUR District- Saran

1. PRABHAT KUMAR SINGH Son of Late Harendra Prasad Singh Resident of Village - Saraiya, P.S. - Dariyapur, District - Saran.
2. Guddu Singh @ Sushil Kumar Singh Son of Late Harendra Prasad Singh Resident of Village - Saraiya, P.S. - Dariyapur, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhanu Pratap Singh, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-07-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 05.10.2021 in ABP No. 2522 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran at Chhapra in connection with Dariyapur P.S. Case No. 411 of 2021 registered for the offences punishable under Sections 341, 323, 325, 353, 332, 333, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)



(s), 3(2) (Va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellant no. 1 has antecedent of one case whereas appellant no. 2 (Guddu Singh @ Sushil Kumar Singh) is a person with clean antecedent and the informant alleges that on receiving information that one Vinod Singh has concealed liquor, his shop was raided but nothing was recovered. Thereafter the informant went to raid his house and when the informant reached the place of occurrence along with the police force, it is alleged that Basant Singh started threatening and abusing the informant by his caste name as 'Paswan' and villagers assembled and attacked the police party and Vinod Singh assaulted the informant by fists and slaps on account of which he sustained injury and the police had to return back and the house could not be searched.

Learned counsel for the appellants submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegations with regard to the S.C./S.T. Act is ornamental in nature and the same is not alleged against the appellants, it is next submitted that whatever dispute arose that dispute was between the informant, Vinod Singh and Basant Singh and the appellants being villagers had assembled only to witness the raid but they came to be implicated.



Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

Considering the submissions made by the learned counsel for the appellants, the order dated 05.10.2021 in ABP No. 2522 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran at Chhapra in connection with Dariyapur P.S. Case No. 411 of 2021 is hereby set aside and the appellants above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dariyapur P.S. Case No. 411 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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