

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4715 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- KOPA District- Saran

1. BACHCHA SINGH @ BACHCHA PRASAD SINGH S/o Late Dev Narayan Singh Resident of Village- Khairwar, P.S.- Rivilganj, Dist- Saran
2. Rahul Kumar @ Rahul Raj @ Rahul Kumar Singh S/o Bachcha Singh @ Bachcha Prasad Singh Resident of Village- Khairwar, P.S.- Rivilganj, Dist- Saran
3. Rishikesh Kumar Singh @ Rishikesh Ranjan @ Lalu S/o Bachcha Singh @ Bachcha Prasad Singh Resident of Village- Khairwar, P.S.- Rivilganj, Dist- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-07-2022 Heard learned counsel appearing on behalf of the appellants, State and informant.

This is an appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, {hereinafter referred to as the ‘SC/ST (POA) Act’} against the order dated 24.09.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act), Saran at Chapra in connection with Kopa P.S. Case No. 57 of 2021, registered under Sections 341, 342, 323, 324, 307, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.



As per the prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants alongwith 2-3 unknown persons surrounded the informant and started abusing him and on protest, they began to assault the informant by fists and slaps. It is further alleged that appellant no. 2 inflicted repeated knife blow to the informant, due to which, informant sustained injury on his hand, shoulder, arm and waist.

It is submitted on behalf of appellants that appellants has been falsely implicated in this case and present case has been lodged at the instance of co-accused Vinay Singh due to business rivalry. It is further submitted that though, specific accusation of assault is against appellant no. 2, but so far as appellant no. 2 and 3 are concerned, there is general and omnibus allegation of assault by fists and slaps. The allegation of abuse by caste name is general and omnibus and has been added only to make the offence grave in nature. No motive has been assigned to the alleged occurrence.

However, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that appellants are named in the F.I.R. and there is specific allegation of inflicting repeated knife blow against appellant no. 2, due to which, informant sustained injury on



hisbody.

Considering the rival submissions of the parties and the fact that specific allegation of inflicting knife blow is against appellant no. 2 (Rahul Kumar Singh), his prayer for anticipatory bail is rejected.

So far as prayer for anticipatory bail of appellant no. 1 and 3 are concerned, since there is general and omnibus allegation against them, let appellant no. 1 and 3 namely Bachcha Singh and Rishikesh Kumar Singh, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Kopa P.S. Case No. 57 of 2021.

Accordingly, the impugned order, so far as appellant no. 1 and 3 are concerned, is set aside and the criminal appeal is disposed of.

(Prabhat Kumar Singh, J.)

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