

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3664 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- DHAMDAHA District- Purnia

BITTU SINGH @ ANIKET SINGH Son of Late Pankaj Singh Resident of
Village - Sarsi, P.S.- Sarsi, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Pathak, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the appellant 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 22.08.2022 in A.B.P. No. 57 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea in connection with Dhamdaha P.S. Case No. 71 of 2022 registered for the offences punishable under Sections 341, 323, 337, 354, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act as well as Sections 3(1)(r)(s) of the SC/ST Act.



The informant alleges that on 10.04.2022, 12-15 accused persons variously armed came in 5-6 vehicles and abused the informant and asked to vacate the land, when informant along with others started opposing, the accused started firing, thereafter, pelted stones injuring his son and even assaulted women and tried to capture the land, but were unsuccessful due to intervention of the administration, it is next alleged that the occurrence was planned by appellant and Neeraj Singh who earlier with the help of the appellant gang tried to capture the land.

Learned counsel for the appellant submits that appellant being Mukhiya of his Panchayat got implicated in six cases as detailed at paragraph '3' of the appeal and in all the cases either the appellant has been granted anticipatory bail or is on bail by the learned trial Court itself, it is next submitted that appellant has been falsely implicated in the present case. Learned counsel next submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the allegation does not inspire confidence for the reason that the informant alleges that when the dispute arose the same was settled on account of timely intervention



of the administration, but no case came to be instituted. Learned counsel further submits that had firing taken place then the police by themselves would have instituted an FIR and would not have waited for the informant, this amply demonstrates that the informant by way of after thought has instituted the present FIR, it is next submitted that even the allegation of firing is not corroborated as no palettes were found from the place of occurrence. Learned counsel also submits that if accused were carrying gun, where was the use of pelting stones causing injury to the son and women folk of the informant's family, it is next submitted that it absolutely does not stand to reason that if the accused persons would have been carrying gun in presence of District administration and the police then they would have been arrested then and there or at least their arms would have been seized, but that is not the case, it is next submitted that from the tenure of the allegation, it appears that the appellant was not even present at the place of occurrence and his name transpired merely because the informant alleges that earlier the accused persons with the help of the gang of appellant had tried to capture the land, it



is further submitted that since appellant is known to Manish with whom the informant is having dispute relating to land as stated in paragraph '9' of the appeal, the present appellant with general and omnibus in nature allegation came to be implicated. Learned counsel next submits that no doubt antecedent is a factor for considering whether bail should be granted or not but then the allegations as alleged in a case is also to be appreciated, it is next submitted that Manish Singh was granted anticipatory bail by Order Dated 21.09.2022 in Cr. Appeal S.J. No. 2076 of 2022.

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

In view of the submissions made by the learned counsel for the appellant, the order dated 22.08.2022 in A.B.P. No. 57 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea in connection with Dhamdaha P.S. Case No. 71 of 2022 is hereby set aside and the appellant above-named, in the event of his 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. 5,000/-



(Rupees Five Thousand) 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 Dhamdaha P.S. Case No. 71 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

The learned counsel at this stage, seeks permission to make rectification at paragraph '1' of the appeal.

Permission is accorded.

(Satyavrat Verma, J)

GauravSinha/-

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