

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.727 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- DORIGANJ District- Saran

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1. Satish Singh Son of Late Raghuvansh Singh Resident of Village - Fulchak Rasalpura, P.s.- Doriganj, Distt.- Saran at Chapra (Bihar)
 2. Saroj Singh Son of Late Raghuvansh Singh Resident of Village - Fulchak Rasalpura, P.s.- Doriganj, Distt.- Saran at Chapra (Bihar)
 3. Randhir Singh Son of Late Raghuvansh Singh Resident of Village - Fulchak Rasalpura, P.s.- Doriganj, Distt.- Saran at Chapra (Bihar)
 4. Anand Singh Son of Atma Singh @ Krishna Kumar Singh Resident of Village - Bhagheji, P.s.- Phephna, Distt.- Ballia (Uttar Pradesh)
 5. Tarun Manjhi @ Tarun Paswan Son of Late Rameshwar Paswan @ Parmeshwar paswan Resident of Village - Chamtha, P.s.- Vidyapati Nagar, Distt.- Samastipur (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Dwarshi Manjhi Son of Late Ram Pravesh manjhi Resident of Village - Ramgarha, P.s.- Awatar nagar, Distt.- Saran at Chapra (Bihar) , At Present Residing at Village - Rasalpura, P.s.- Doriganj, Dist.- Saran at Chapra. (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-03-2023 After some argument, learned counsel for the appellants seeks permission to withdraw this criminal appeal so far as appellant no. 1 (Satish Singh) is concerned.

Permission is accorded. The criminal appeal stands dismissed as withdrawn in respect of appellant no. 1 (Satish Singh).

The present appeal has been filed against order dated



21.01.2022 passed by learned A.D.J.-III-cum-Special Judge, SC/ST Act, Saran in Doriganj P.S. Case No. 9 of 2022 registered for the offence punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) / 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, all the F.I.R. named accused persons including these appellants assaulted informant by fists and slaps. It is further alleged that they also abused the informant by his caste name.

It is submitted on behalf of appellants that due to land dispute, the appellants have been falsely implicated in this case. Present case is counter blast of Doriganj P.S. Case No. 7 of 2022, which was lodged by brother of appellant no. 6 against informant and others. Allegation of assault by fists and slaps is general and omnibus. It is not the case of the informant that there was any member of the public was present at the time of occurrence and as such, no case under the SC/ST Act is made out.

The appeal is vehemently opposed by learned Special P.P.



Considering the aforesaid facts and circumstances, the impugned order dated 21.01.2022, so far as these appellants are concerned, is, hereby, set aside.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let appellants no. 2, 3, 4 & 5 namely Saroj Singh, Randhir Singh, Anand Singh and Tarun Manjhi be enlarged on 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 A.D.J.-III-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Doriganj P.S. Case No. 9 of 2022.

This appeal is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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