

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1970 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- DARIHAT District- Rohtas

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1. UJJWAL SINGH @ INKI SINGH Son of Akhilesh singh R/O Village - Barki - Bharkuria, P.S. - Darihat, Distt. - Rohtas.
 2. Himanshu Kumar @ Jaiku Singh Son of Akhilesh Singh R/O Village - Barki - Bharkuria, P.S. - Darihat, Distt. - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Bihari Paswan S/o Late Ram Bhachan Paswan R/o Vill. - Barki Bharkhuria, P.S. - Darihat, Distt. - Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Singh
For the Respondent/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellants and learned
APP for the State.

The appellants have moved this Court against the order dated 24.09.2020 passed by the learned Additional District and Sessions Judge, Rohtas, Sasaram in connection with Darihat P.S. Case No. 54 of 2020 under section 347, 148, 149, 341, 323, 324, 307, 504, 120B of the Indian Penal Code and 3(1)(r)(s) of the SC/ST Act.

As per the prosecution story, the informant alleged that after taking caste name, the accused persons abused and then assaulted the informant's side and in that process, the knife



injury was also given by the accused persons. They were admitted to the hospital for treatment and accordingly, the FIR.

Learned counsel for the appellants submit that from the FIR it shows that actually the caste name is missing and in that backdrop, the appeal is maintainable. Further, the allegations are omnibus in nature and as per the injury report (Annexure-2), the same has been found to be simple in nature.

The last submission is that they have come to a compromise.

Learned APP opposes the prayer for anticipatory bail but concedes that the injuries are simple in nature.

Considering all the aforesaid facts including that the appellants do not have criminal antecedents, the actual case word is missing injury is simple, this Court is inclined to grant them the privilege of anticipatory bail.

The judgment dated 24.09.2020 passed by the learned Additional District and Sessions Judge, Rohtas, Sasaram, in connection with Darihat P.S. Case No. 54 of 2020 is set aside.

The appeal is allowed.

Let the appellants be released on bail, in the event of their arrest or surrender within a period of four weeks from



the receipt of this order, on furnishing bail bond of Rs. 10,000/-
(Ten thousand) each with two sureties of like amount each to the
satisfaction of learned 1st Additional District and Sessions
Judge, Rohtas at Sasaram, in connection with Darihat P.S. Case
No. 54 of 2020 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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