

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1897 of 2023**

Arising Out of PS. Case No.-41 Year-2022 Thana- DAUDPUR District- Saran

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1. ADITYA SINGH @ ADITYA KUMAR @ DHAN SINGH SON OF CHANARKET SINGH @ CHANDRAKETU SINGH Resident of village - Saryupar, P.S. - Daudpur, Distt. - Saran
  2. CHANDRAKETU SINGH @ CHANDRAKET SINGH SON OF HARDEO SINGH Resident of village - Saryupar, P.S. - Daudpur, Distt. - Saran
  3. AKASH SINGH @ AKASH KUMAR SINGH SON OF DHIRENDRA SINGH Resident of village - Saryupar, P.S. - Daudpur, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. RAJESH KUMAR PRASAD SHIVJEE PRASAD VILLAGE SARYUPAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Abhishek Kumar Srivastava, APP  
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

5      15-12-2023                      Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the rejection of prayer for anticipatory bail vide order dated 14.03.2023 passed by the learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge-III, Saran, SC/ST Act, Saran at Chapra in connection with Daudpur P.S. Case No. 41 of 2022 dated 07.02.2022 registered for the alleged offences under Sections 147, 148, 149, 323, 324, 307, 504 and 506 of the Indian Penal Code and u/s 27 of the Arms Act and under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.



3. As per prosecution case, when the informant along with his mother and cousin was planning for work in block office, in the meantime, the appellants and the co-accused persons holding country made pistol, *farsa* and iron rod are alleged to have come and surrounded them. The appellant no. 2 and the co-accused Manindra Singh abused the informant and his family members by calling their caste name. The appellant no. 2 ordered to kill the informant then the appellant no. 1 fired on the informant which hit his right forehead and he fell down on the ground. It is further alleged that the accused persons also fired on his mother but she managed to escape from there. When the cousin brothers came to rescue him then the appellant no. 3 assaulted Rahul Prasad with *farsa* causing injury due to which he fell down. Thereafter, all the injured was taken to the hospital for treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation of abusing against the appellants and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. Learned counsel has further submitted that there is a case and counter case between the parties. It is further submitted that the appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated at para 3 of the bail petition.



5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 14.03.2023 passed by the learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge-III, Saran, SC/ST Act, Saran at Chapra in connection with Daudpur P.S. Case No. 41 of 2022, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge-III, Saran at Chapra in connection with Daudpur P.S. Case No. 41 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

**(Chandra Prakash Singh, J)**

Gautam/-

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