

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1823 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- BARUN District- Aurangabad

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1. Prince Kumar Singh S/O Binod Singh Resident of Village - Pithanua, P.S.- Barun, District - Aurangabad.
 2. Chhotu Kumar Singh Son of Satyanarayan Singh Resident of Village - Pithanua, P.S.- Barun, District - Aurangabad.
 3. Ritik Kumar Singh Son of Bhim Singh Resident of Village - Pithanua, P.S.- Barun, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Ram son of Kariman Ram R/o Village- Pithanua, P.S.- Barun, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sinha
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-07-2023 A jointness petition has been filed on behalf of appellants stating therein that notice has been received by the wife of Raju Kumar respondent no. 2 who is residing with respondent no. 2, therefore, service of notice be accepted as validly served.

In view of the fact, service of notice deemed to be validly served.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf



of the appellants for grant of anticipatory bail against the order dated 24.03.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad in connection with Barun P.S. Case No. 157 of 2021 under Sections 147, 148, 149, 341, 323, 324, 307, 427, 504 and 506 of the Indian Penal Code and section 3(i)(a)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that on the alleged date and time of occurrence, while the informant was going to his home, on the way, all the FIR named accused persons including appellants variously armed abused by caste name and also assaulted the informant and female members. The accused persons also broke the motorcycle and tempo.

It is submitted on behalf of the appellants that both parties are co-villagers and due to old enmity and village politics, appellants have been falsely implicated in this case. Allegation of assault is general and omnibus. No specific overt act has been alleged against these appellants. Injuries allegedly caused by the appellants have been found simple in nature. Similarly situated co-accused persons have been granted bail by



a coordinate Bench of this court vide Cr. APP (SJ) No. 1814 of 2022. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 24.03.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad, is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 the learned Ist Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad in connection with Barun P.S. Case No. 157 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

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