

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4768 of 2021

Arising Out of PS. Case No.-295 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

1. Mithlesh Singh @ Mithlesh Kumar Singh Son of Kedar Singh Resident of Village- Rampur, P.S.- Sonhan, District- Kaimur (Bhabua). At present Village- Vishrampur, P.S.- Kudra, District- Kaimur.
2. Ajay Singh Son of Baleshwar Singh Resident of Village- Rampur, P.S.- Sonhan, District- Kaimur (Bhabua). At present Village- Vishrampur, P.S.- Kudra, District- Kaimur.
3. Premchand Singh @ Prem Chand Kumar S/o of Baleshwar Singh Resident of Village- Rampur, P.S.- Sonhan, District- Kaimur (Bhabua). At present Village- Vishrampur, P.S.- Kudra, District- Kaimur.
4. Haridwar Singh Son of Bighan Singh Resident of Village- Rampur, P.S.- Sonhan, District- Kaimur (Bhabua). At present Village- Vishrampur, P.S.- Kudra, District- Kaimur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Premkant Basra, A.S.I. Kudra Police Station, District- Kaimur. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-04-2023 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 17.11.2021 passed by learned Additional District & Sessions Judge I-cum-Special Judge, Kaimur at Bhabua in connection with Kudra P.S. Case No. 295 of 2021 under Sections 147, 149, 341, 342, 323, 307, 332, 353, 427, 290, 504



and 506 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(va) 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, all the FIR named accused persons including appellants and 100-150 persons disrupted the informant who was engaged in maintaining law and order subsequent to a road accident and also create hindrance in discharge of his official duty. It is further alleged that all the FIR named accused persons including appellants abused the informant by caste name and tried to kill him by strangulating.

It is submitted on behalf of the appellants that allegation of commission of assault and abuse is general and omnibus. No specific overt act has been alleged against these appellants. It is not the case of informant that any member of the public was present at the time of occurrence and as such, no case under SC/ST Act is made out. Appellants have got clean antecedent.

Counsel for respondent no. 2 vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed.



The impugned order dated 17.11.2021 passed by learned Additional District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua, 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 Additional District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with Kudra P.S. Case No. 295 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

