

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.845 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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1. Deepranjan Singh @ Deepranjan Kumar, son of Birendra Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar
 2. Gorakh Singh @ Gaurav Kumar Singh son of Birendra Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar
 3. Birendra Singh son of Late Ram Ekbal Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar
 4. Ranjan Singh @ Ranjan Kumar son of Lakhendra Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar
 5. Chunnu singh @ Chunnu Kumar son of Birendra Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar
 6. Abhimanyu Singh @ Abhimanyu Kumar son of Lakhendra Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar
 7. Mintu Singh @ Mintu Kumar Singh son of Birendra Singh Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sirmikhiya Devi, wife of Late Jay Kishun Ram Village- Paharpur Ps- Shyampur Bhataha Dist- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 16-04-2024 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.
2. The learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant no.1, namely, Deepranjan Singh @ Deepranjan Kumar.



3. Permission is accorded.

4. Accordingly, instant appeal is dismissed as withdrawn with respect to appellant no.1, namely, Deepranjan Singh @ Deepranjan Kumar.

5. The rest appellants have challenged the order dated 15.01.2024 passed by the learned Additional District & Sessions Judge-1st-cum- Special Judge, SC/ST Act, Sheohar in connection with Shyampur Bhataha P. S. Case No.134 of 2023, instituted for the offences under Sections 447, 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case. It is also submitted that on intervention of well-wishers, the case has been compromised in between the appellants and the informant. It is next submitted that though there is allegation of assault, but then, the blow was not repeated by any of the accused persons and Mantu Singh is alleged to have assaulted Kamod Ram by lathi causing injury on his waist while Gorakh Singh is alleged to have assaulted



Kamod Ram on his head, but then, the F.I.R. does not disclose that by what means, he had assaulted Kamod Ram. It is further submitted that Abhimanyu is alleged to have assaulted Sonu Kumar and Santan Kumar by an iron rod causing injury, but then, does not disclose that on what part of the body, he had assaulted. It is next submitted that since the case has been compromised in between the parties on intervention of well-wishers, as such, no useful purpose would be served by sending the appellants to jail.

7. The learned Special P. P. opposes the appeal.

8. Regard being had to the aforesaid submissions, the order dated 15.01.2024 is set-aside.

9. The appeal stands allowed.

10. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on **provisional bail** on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st-cum- Special Judge, SC/ST Act, Sheohar in connection with Shyampur Bhataha P. S. Case No.134 of 2023, subject to the conditions laid down under Section 438(2) of the



Cr.P.C.

11. The learned trial Court before confirming the provisional anticipatory bail of the appellants shall notice the informant and in the event, if the informant confirms the compromise, in that event, the provisional anticipatory bail shall be confirmed, but if the informant does not confirm the compromise, in that event, the provisional anticipatory bail bonds shall be cancelled immediately and the appellants shall be taken into custody.

(Satyavrat Verma, J)

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