

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1181 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

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| <ol style="list-style-type: none">1. Rameshwar Shah S/o Yadu Shah2. Suraj Kumar @ Suraj Kumar Shah S/o Rameshwar Shah3. Nagina Mahto S/o Raja Mahto <p style="margin-left: 20px;">All are Resident of village Kauriya Tola Lilahi P.S.Bhagwanpur Hat District Siwan</p> | <p>... .. Appellant/s</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none">1. The State of Bihar2. Krishna Ram, A.S.I. Bhagwanpur Hat, P.S. - Bhagwanpur Hat, Distt. - Siwan Bihar <p>... .. Respondent/s</p> |
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Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Pandey, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-04-2024 1. Heard learned counsel for the appellants, learned Special P.P., Ms. Usha Kumar No.1.

2. The appellants have challenged the order dated 06.12.2023 passed by the learned Additional Sessions Judge, Ist-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P.S. Case No.270 of 2023, instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 379, 337, 338, 307, 353, 427, 504 and 506 of the IPC and 3(1)(r)(s)/3(2)(va) of the SC/ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that appellants have antecedent of one case and have been



mechanically implicated in the instant case by the informant under the SC/ST (POA) Act.

4. It is next submitted that appellant no.1 and 2 belong to the SC/ST community, though inadvertently at para-9 of the appeal it has been pleaded that all the appellants belong to the SC/ST community, but then it is submitted that since appellant no.1 and 2 belong to the SC/ST community that in itself demonstrates that how in mechanical manner the informant implicated them.

5. It is next submitted that the allegation against the appellants are general and omnibus in nature, it is further submitted that the informant alleges that he along with the police force had gone to apprehend an accused namely, Nitish Kumar, when the police force was intercepted/surrounded by the accused person, who created ruckus. It is further submitted that specific allegation of assaulting the police force is against Ravi Kumar Mahto, Rahul Kumar and Brij Kishore Mahto.

6. It is next submitted that similarly situated co-accused, Munar Nut and Anup Nut have been granted the privilege of anticipatory bail by order dated 10.04.2024 in Cr. Appeal (SJ) No.690 of 2024.

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



bail.

8. Regard being had to the aforesaid submissions, the order dated 06.12.2023 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 six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P.S. Case No.270 of 2023, subject to the conditions laid down under Section 439(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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