

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1883 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- MUSRIGHRARI District- Samastipur

1. Vinod Prasad Singh @ Vinod Singh, aged about 40 years, Sex-Male, S/o Nandu Singh, Resident of Village-Bathua Buzurg, P.S.-Musrigharari, District-Samastipur.
2. Munna Singh, aged about 40 years, Sex-Male, S/o Umesh Singh, Resident of Village-Bathua Buzurg, P.S.-Musrigharari, District-Samastipur.
3. Mukul Kumar Singh @ Mukul Kumar, aged about 35 years, Sex-Male, S/o Rajeev Ratan Prasad Singh, Resident of Village-Bathua Buzurg, P.S.-Musrigharari, District-Samastipur.

... .. Appellants

Versus

1. The State of Bihar.
2. Chinta Devi, W/o Arjun Sada, Resident of Village-Bathua Buzurg, P.S.-Musrigharari, District-Samastipur.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Dr. Ram Kishor Chaudhary, Advocate
For the Respondent No.2:	:	Mr. Amit Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 05-01-2024 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 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 (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer of anticipatory bail of the appellants vide order dated 27.03.2023, passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in A.B.P.



No. 828 of 2023 in connection with Musrigharari P.S. Case No. 106 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 354, 427, 448, 504, 506/34 of the I.P.C., Section 27 of the Arms Act and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, the appellants alongwith 20-25 unknown persons armed with weapons in their hands are alleged to have abused and threatened the informant by calling her caste name and assaulted with fists and feet. When her husband and the father-in-law came to rescue her, the co-accused Ankit Kumar fired in air and Munna Singh (petitioner no. 2) assaulted her husband with an iron rod causing head injury. Her father-in-law was also assaulted by the accused persons. It is further alleged that the accused persons entered her house and destroyed the household articles. The injured were brought to Sarairanjan Hospital for treatment from where, they were referred to the Sadar Hospital, Samastipur.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellants. The



specific allegation of firing in air against the co-accused Ankit Kumar which did not hit to any one. It is further submitted that as per the F.I.R., it is alleged that the Munna Singh (petitioner no. 2) had assaulted on the head of the informant's husband with an iron rod causing head injury but from the perusal of the injury report of the informant's husband, it appears that the physical assault of the injured does not indicate dimension of the injury. There is land dispute between the parties. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have one criminal antecedent as stated in paragraph no. 3 of the memo of appeal.

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 27.03.2023, passed by learned Special Judge, SC/ST (POA) Act, Samastipur in A.B.P. No. 828 of 2023 in connection with Musrigharari P.S. Case No. 106 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 or 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 the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Musrigharari P.S. Case No. 106 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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