

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2459 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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- VIKKY SINGH S/O CHANO SINGH R/O Village- Pipra Basa, P.S.-Beldaur, Dist.-Khagaria
 - DILWAR SINGH S/O DOMI SINGH@ DOMI PRASAD SINGH R/O Village- Pipra Basa, P.S.-Beldaur, Dist.-Khagaria

... .. Appellant/s

Versus

- THE STATE OF BIHAR
- MANOJ RISHIDEO SON OF LATE KARTIK RISHIDEO RESIDENT OF VILLAGE- BUDHMA TOLA ORAI, WARD NO. 10, PS-UDAYKISHUNGANJ, DISTT- MADHEPURA

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 7 19-11-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 23.01.2023, passed by learned Additional District and Session Judge I -cum- Special Judge SC/ST (POA Act), Madhepura, in ABP No. 325 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the



anticipatory bail application of the appellant in connection with Udakishunganj Police Station Case No. 351 of 2022 registered for the offence punishable under Sections 302/120B of the Indian Penal Code, Section 27 of the Arms Act and Sectiona 3 (2)(V) and 3 (2)(Va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. Despite service of notice, no one appears on behalf of the respondent no. 2.
4. The prosecution case, as per the First Information Report, is that the appellant, along with other accused persons, total 11 in numbers, arrived at the door of the informant and abused him. On the order of co-accused Shiv Narayan Sharma, co-accused Kailu Mandal, Kailash Singh and Uday Singh fired upon the informant's father due to which he died. It has further been alleged that the accused persons also called the informant and his family members by their caste name.
5. Learned counsel for the appellants submits that due to land dispute, the appellants have falsely been implicated in this case, along with large number of accused persons. He next submits that no specific overt act has been



alleged against the appellants. The co-accused Shiv Narayan Sharma, who is an order-giver, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1356 of 2023, dated 05.07.2023.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused, who is an order-giver, has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 21.03.2023, passed by learned Additional District and Sessions Judge I -cum- Special Judge, SC/ST Act, Madhepura, in ABP No. 325 of 2023, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 learned Additional District and Sessions Judge I -cum- Special Judge, SC/ST Act, Madhepura, in connection with Udakishunganj Police Station Case No. 351 of 2022, subject to the condition



laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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