

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4791 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- SC/ST District- Siwan

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1. AKASH SINGH @ AKASH KUMAR SINGH S/o Ramchandra Singh Resident of Village Adampur Post - Adampur, P.S. - Raghunathpur, District - Siwan.
 2. Ramchandra Singh S/o Bhim Singh Resident of Village Adampur Post - Adampur, P.S. - Raghunathpur, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar BIhar
2. Dilip Gond Son of Late Paras Gond Resident of village-Adampur,Post -Adampur,P.S-Raghunathpur,District-Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Daya Shankar Prasad Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

13 20-11-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with SC/ST P.S. Case No. 13 of 2021 registered for the offence under Section 341, 323, 324, 379, 504, 506 /34 of the IPC and Section 3 (1)(r)(s)(W) / 3(2) (va) of the SC/ST Act and being aggrieved by the order dated 10.09.2021 passed by learned 1st Addl. Sessions Judge -cum- Special Judge, Siwan has preferred this appeal for grant of anticipatory bail.

3. As per the prosecution case on 26.06.2021 while the informant was going towards his cow-shed from his house on his motorcycle at PCC road the appellant no. 1 stopped the motorcycle of the informant, abused him by his caste name ,



assaulted him and when the informant raised his voice, his brothers came running, then the co-accused / Prakash Singh arrived there with two unknown persons and all the accused persons including the appellant no. 1 started abusing the informant with his caste name and also assaulted.

4. Learned counsel for the appellants submits that appellants have been made accused due to land dispute inasmuch on the “raiya” land of the appellants PCC road has been constructed, which was objected by the appellants before the concerned authorities and due to that reason the appellants have been made accused along with their family members in order to pressurize them not to protest regarding construction of PCC road on their “raiya” land. The F.I.R has been lodged after delay of three days inasmuch as the occurrence has taken place on 26.06.2021 but the F.I.R. has been lodged on 29.06.2021. At the time of occurrence the appellants were not present at the place of occurrence which has been supported by independent witnesses during the course of investigation.

5. Despite appearance by way of “vakalatnama”, no one appears for the respondent no. 2. On the last occasion also, no body was there for the respondent no. 2.

6. Learned counsel for the State opposed the prayer for



anticipatory bail.

7. Regard being had to the submission made by the parties, taking into consideration the fact that occurrence has taken place due to construction of PCC road on the private land of the appellants which was objected by them before the Mukhiya, I am inclined to grant anticipatory bail to the appellants.

8. Accordingly, the order dated 10.09.2021 passed in A.B.P. No. 1618 of 2021 arising out of SC/ST P.S. Case No. 13 of 2021 (Siwan) passed by 1st Additional Sessions Judge -cum- Special Judge, Siwan is hereby set aside.

9. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ (1) cum Special Judge, Siwan in connection with SC/ST P.S. Case No. 13 of 2021 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anil Kumar Sinha, J)

