

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3180 of 2022

Arising Out of PS. Case No.-461 Year-2021 Thana- SAHARSA SADAR District- Saharsa

BHOLA SINGH @ RAJESH KUMAR SINGH S/o Late Lalan Singh
Resident of Nariyar, P.S.- Saharsa, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNITA DEVI W/o Sri Umesh Paswan R/o village- Sarahi, Ward No. 03,
P.S.- Saharsa, District- Saharsa (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saket Tiwary

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 21-03-2025 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 21.05.2022, passed by learned Additional Sessions Judge III -cum- Special Judge, Saharsa, in ABP No. 288 of 2022, 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 Saharsa Sadar Police Station Case No. 461 of 2021 registered for the offence punishable under Sections 147/148/149/341/323/307/447/429/504 of the Indian Penal Code and Section 3 (1)(r)(s) of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 11.06.2021, in the morning, at around 09:30 AM, the appellant, along with other accused persons, total 14 in numbers, having fire arms, attacked the house of the informant. When the informant and others intervened, the accused persons fired for 20-25 minutes and in the occurrence one bullet hit left leg of the maternal father-in-law of the informant and one bullet injured the buffalo. It has further been alleged that the police reached at the place of occurrence and saw that other accused persons were firing, whereupon, the police arrested them, along with fire arms and live cartridges.
4. Learned counsel for the appellant submits that there is land dispute between one Manoj Dubey and husband of the informant and the informant is neighbour of co-accused Manoj Dubey. On 11.06.2021, in the morning, the co-accused Manoj Dubey was constructing boundary wall on the land with help of labourers, which was stopped by the informant side, for which, co-accused Manoj Dubey instituted First Information Report, bearing



Saharsa Sadar Police Station Case No. 462 of 2021, dated 11.06.2021, against the husband of the informant and others. He further submits that there is no specific overt act against the appellant and he has been made accused only because he happens to be the neighbour of co-accused Manoj Dubey.

5. Despite service of notice, no one appeared on behalf of the respondent no. 2.
6. Learned counsel for the Special Public Prosecutor opposes the prayer for anticipatory bail and submits that the appellant is specifically named in the First Information Report and altogether 14 named persons, including 5 to 10 unknown persons, resorted to firing upon the informant and her family members due to which one cattle and one person sustained bullet injury.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between co-accused Manoj Dubey and the husband of the informant, no specific overt act has been alleged against the appellant and the persons, who were indulged in firing, were arrested by the police with arms and ammunition from four persons, I am inclined to grant



the appellant privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 21.05.2022, passed by learned Additional Sessions Judge III -cum- Special Judge, Saharsa, in ABP No. 288 of 2022, is set aside.
9. 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 Sessions Judge III -cum- Special Judge, Saharsa, in ABP No. 288 of 2022, in connection with Saharsa Sadar Police Station Case No. 461 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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