

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.51 of 2020

Arising Out of PS. Case No.-62 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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PAPPU YADAV @ PAPPU RAY Son of Late Janak Ray Resident of Village-
Adampur Bhawanipur, P.S.-Hathauri, District-Muzaffarpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Maha Devi Wife of Bindeshwar Ram Resident of Village-Adampur
Bhawanipur, P.S.-Hathauri, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Complaint Case No. 62 of 2017
corresponding to T.R. No. 554 of 2018 registered for the
offences under Sections 341, 323, 504, 506 of the Indian Penal



Code and Sections 3(i)(r)(x) of the SC/ST Act.

Allegedly, while the informant along with her husband was going to harvest wheat and reached in front of house of the accused, then the accused persons caught the neck of the informant's husband and abused him calling his caste name. On protest, the accused persons are alleged to have assaulted the informant and her husband.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. No deadly weapon is said to have been used in course of occurrence. Assault is alleged to have been made by fist and slap. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09-12-2019 passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur in Complaint Case No. 62 of 2017 corresponding to T.R. No. 554 of 2018 is set aside. The present



Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Complaint Case No. 62 of 2017 corresponding to T.R. No. 554 of 2018.

(Sudhir Singh, J)

A.K.V.//-

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