

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.64 of 2020**

Arising Out of PS. Case No.-182 Year-2019 Thana- DARBHANGA SADAR District-  
Darbhanga

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1. HARE KRISHNA THAKUR Son of Late Motilal Thakur Resident of Village - Chuna Bhatti Laxmisagar, P.S.- L.N.M.U., Distt - Darbhagna (Bihar)
  2. Praveen Kumar Thakur @ Saurav Son of Hare Krishna Thakur Resident of Village - Chuna Bhatti Laxmisagar, P.S.- L.N.M.U., Distt - Darbhagna (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Vinay Kumar Mishra  
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      15-12-2020                      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.

Heard learned counsel for the appellants and learned  
APP for the State.

The matter relates to grant of anticipatory bail to the  
appellants in connection with a case registered for the offences  
under Sections 147, 148, 323, 379 of the Indian Penal Code and  
Sections 3(i)(r)(s)(g) of the SC/ST (Prevention of Atrocities)  
Act, 1989.



The prosecution case, in short is that the appellants along with other accused persons assaulted the informant, his son and grand son by fists and slaps and they called them by caste name and they snatched golden chain from the neck of the son of the informant.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.12.2019, passed by the 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (POA Act), Darbhanga in connection with Sadar Darbhanga P.S. case No.182 of 2019 corresponding to Cri. No.1252 of 2019, is set aside. The criminal appeal is allowed.



Accordingly, the appellants, above named, in the event of arrest/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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (POA Act), Darbhanga in connection with Sadar Darbhanga P.S. case No.182 of 2019 corresponding to Cri. No.1252 of 2019.

**(Sudhir Singh, J)**

Narendra/-

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