

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.53 of 2020

Arising Out of PS. Case No.-812 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

1. MITHU KUMAR Son of Rambabu Yadav Resident of Village- Sheikhpura, P.S.- Ram Krishna Nagar, District- Patna.
2. Sonu Kumar Son of Rambabu Yadav Resident of Village- Sheikhpura, P.S.- Ram Krishna Nagar, District- Patna.
3. Gorakh Kumar @ Amarjeet Kumar Son of Mahesh Yadav Resident of Village- Sheikhpura, P.S.- Ram Krishna Nagar, District- Patna.
4. Aashik Kumar@Ashok Kumar Son of Surendra Yadav Resident of Village- Sheikhpura, P.S.- Ram Krishna Nagar, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 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 341, 323, 504 and 34 of the Indian Penal Code
and Section 3(i)(r)(s) 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 son-in-law by means of lathi, danda and iron rod. When the wife of the informant reached there to rescue them, her ring finger of left hand was chewed by appellant Mithu Kumar and appellant Sonu Kumar assaulted his wife with iron rod on her back.

It has been submitted on behalf of the appellants that the appellants No.1, 2 and 3 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. The nature of injury is said to be superficial in nature. 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 04.12.2019, passed by the 8th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Ram Krishna Nagar P.S. case No.812 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 8th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Ram Krishna Nagar P.S. case No.812 of 2019.

(Sudhir Singh, J)

Narendra/-

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