

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.111 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- MOTIPUR District- Muzaffarpur

SIPAHI RAI @ SIPAHI KUMAR RAI Son of Ramchandra Ray Resident of
Village- Mosandi, P.S.- Motipur, Distt- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2020 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 defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Motipur P.S. Case No. 89 of 2019
registered for the offences under Sections 147, 148, 149, 341,
324, 307, 379, 435, 504/34 of the Indian Penal Code and 3 (i)(r)
(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the accused



persons forming an unlawful assembly and taking the caste name assaulted the informant and threatened to kill the family members.

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. General and omnibus allegation has been made against the appellant. The appellant has falsely been implicated in the present case. 10 named persons along with 200 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 05.08.2019 passed by the learned Special Judge (SC/ST) Act, Muzaffarpur in A.B.P. No. 2414 of 2019 in connection with Motipur P.S. Case No. 89 of 19, is set aside. The criminal appeal is allowed.



Accordingly, the appellant , 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 Special Judge (SC/ST) Act, Muzaffarpur in connection with Motipur P.S. Case No. 89 of 19.

(Sudhir Singh, J)

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