

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.151 of 2020

Arising Out of PS. Case No.-70 Year-2017 Thana- BASOPATTI District- Madhubani

1. SIBANI GUPTA W/o Mahesh Gupta Resident of Village - Basopatti, P.S. - Basopatti, District - Madhubani.
2. Sudha Gupta W/O Manoj Gupta Resident of Village - Basopatti, P.S. - Basopatti, District - Madhubani.
3. Soni Gupta W/O Santosh Gupta Resident of Village - Basopatti, P.S. - Basopatti, District - Madhubani.
4. Mahesh Gupta Son of Late Chandeshwar Prasad Gupta Resident of Village - Basopatti, P.S. - Basopatti, District - Madhubani.
5. Manoj Gupta Son of Late Chaneshwar Prasad Gupta Resident of Village - Basopatti, P.S. - Basopatti, District - Madhubani.
6. Santosh Gupta Son of Late Chandeshwar Prasad Gupta Resident of Village - Basopatti, P.S. - Basopatti, District - Madhubani.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pravin Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-11-2020 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 appellants 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 appellants in connection with Basopatti P.S. Case No. 70 of 2017 (GR No. 01 of 2017) registered for the offences under Sections 147, 341, 323, 379 of the Indian Penal Code and Sections 3(1)(R) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, in the backdrop of a petty feud, the accused persons uttered filthy language to the informant and also called him taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The alleged occurrence has not taken place within the 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 appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18-12-2019 passed by learned Additional Sessions Judge-Ist, Madhubani in Basopatti P.S. Case No. 70 of 2017 (GR No. 01 of 2017) is set aside. The present Criminal Appeal is ***allowed***.

Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Madhubani in connection with Basopatti P.S. Case No. 70 of 2017 (GR No. 01 of 2017).

(Sudhir Singh, J)

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