

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.374 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. AJIT KUMAR SINGH S/o Heera Lal Singh R/o village- Kaukari, P.S.- Shambhuganj, District- Banka
2. Nitish Kr. Singh @ Ravi Kumar Singh S/o Navin Singh @ Naveen Kr. Singh R/o village- Kaukari, P.S.- Shambhuganj, District- Banka

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-10-2020 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 the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Shambhuganj P.S. Case No. 212 of 2019 registered for the offences under Sections 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, while the informant had gone to immerse the statue of Lord Krishna in Berua river, these appellants took



him away from the river and assaulted with fist, slaps and Lathi-Danda. It is also alleged that the appellants tried to strangle the informant by tying rope and thereafter, threw him in the water as a result of which, he became unconscious.

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 date of occurrence is 24-08-2019 and the case was lodged on 08-09-2019. The delay in instituting the case has not been explained by the prosecution. From perusal of the injury report, it appears that at best, it is a case of section 325 of the Indian Penal Code. 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 appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06-12-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Banka in Shambhuganj P.S. Case No. 212 of 2019 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 eight 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 District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Banka in connection with Shambhuganj P.S. Case No. 212 of 2019.

(Sudhir Singh, J)

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