IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.365 of 2020

Arising Out of PS. Case No.-991 Year-2019 Thana- PHULWARISHARIF District- Patna

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1. Pramod Thakur @ Pramod Kumar Thakur, Male, aged about 52 yeaers, S/o Late Banshi Thakur
2. Golu Kumar (Rahul Kumar), Male, aged about 30 years, S/o Pramod Thakur @ Pramod Kumar Thakur
3. Chhotu Kumar (Sagar Raj), Male, aged about 32 years, S/o Pramod Thakur @ Pramod Kumar Thakur, all are resident of 125, Rastriyaganj, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Manish Kumar No.2, Advocate
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

4 15-12-2020 Heard the parties through the virtual court proceeding.

The appeal is against the order dated 07.01.2020 passed by learned Additional District and Sessions Judge-VIII-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Patna in A.B.P. No.9893 of 2019, whereby the Anticipatory Bail Petition of the appellants in connection with Phulwari Sharif P.S. Case No.991 of 2019 for the offences punishable under Sections 341, 342, 323, 307, 448, 504 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s) of SC/ST (Prevention of Atrocities) Act, Patna has been rejected.

The prosecution story based on the written

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information of one Ramesh Paswan to the Officer-in-charge of Phulwari Sharif Police Station alleges inter alia that he is working as driver of one Sanjay Kumar. On 21.10.2019, some construction work of house of the owner was going one where several labours were working. At about 11.00 A.M., 8-10 persons came there along with bamboo and rod in which he identified Pramod Thakur and his two sons Golu Kumar and Chhotu Kumar. They all entered into the house and started assaulted with him and labours. All the three persons told by taking his caste name to stop the work and told to the owner of the house to meet him. They also assaulted by bamboo and iron rod. They further abuses by taking his caste name. They tried to tie his leg and hand and threatened to told the house owner to meet him and manage otherwise they will not permit the construction of the house. Anyhow labours fled away.

Learned counsel for the appellants submits tht the appellants are quite innocent and have falsely been implicated in this case due to village politics. He further submits that in fact the dispute taken place due to construction of the house. The owner of the informant using his land by tractor and when the appellants protested this malicious prosecution has been instituted by the owner through his driver. Therefore, no SC/ST

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Act is applicable against the appellants.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Patna in connection with Phulwari Sharif P.S. Case No.991 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 07.01.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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