

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1135 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- DHANAHA District- West Champaran

1. MANOJ GIRI S/o Shivnarayan Giri Resident of Village- Kathaha, P.S.- Dhanha, Distt- West Champaran, at present resident of Pathkhauri, P.S.- Bagaha, Distt- West Champaran.
2. Belas Giri S/o Late Mahatam Giri Resident of Village- Kathaha, P.S.- Dhanha, Distt- West Champaran.
3. Shrikant Giri S/o Surya Giri Resident of Village- Kathaha, P.S.- Dhanha, Distt- West Champaran.
4. Anil Giri S/o Shrikant Giri Resident of Village- Kathaha, P.S.- Dhanha, Distt- West Champaran.
5. Shrikishun Giri @ Shrikrishna Giri S/o Late Jagernath Giri @ Jagannath Giri Resident of Village- Kathaha, P.S.- Dhanha, Distt- West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Zainul Abedin
For the Respondent/s : Mr.Binay Krishna

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.

At the very outset, learned counsel for the appellants seeks permission to withdraw the application on behalf of appellant No. 3. Accordingly, this application with regard to the



appellant No. 3 namely Shrikant Giri is dismissed as withdrawn.

Now, this application is confined to the appellant Nos. 1, 2, 4 & 5 only.

The matter relates to grant of anticipatory bail to the appellants in connection with Dhanha P.S. Case No. 210 of 2019 registered for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, the appellants blocked the egress and ingress of the informant. While the informant inquired about the same, the appellants/accused started abusing and assaulting the informant with Lathi and Danda. It is also alleged that the accused persons called the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellant Nos. 1 & 4 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. General and omnibus allegation has been made against the appellants. The matter has already been compromised between the parties vide Annexure-5 to the present application. 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 05-02-2020 with regard to the appellants (except appellant No. 3) passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran in Dhanha P.S. Case No. 210 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant Nos. 1, 2, 4 & 5, 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 District & Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran in connection with Dhanha P.S. Case No. 210 of 2019.

(Sudhir Singh, J)

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