

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1561 of 2020**

Arising Out of PS. Case No.-28 Year-2019 Thana- SC/ST District- Kaimur (Bhabua)

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1. Mohan Singh, aged about 25 years, Male, Son of Manoj Singh @ Chhappu Singh, Resident of Village- Barughat, P.S.- Kudra, District- Kaimur at Bhabua.
 2. Deepak Singh, aged about 28 years, Male, Son of Manoj Singh @ Chhappu Singh, Resident of Village- Barughat, P.S.- Kudra, District- Kaimur at Bhabua.
 3. Manoj Singh @ Chhappu Singh, aged about 65 years, Male, Son of Mahendra Singh, Resident of Village- Barughat, P.S.- Kudra, District- Kaimur at Bhabua.
 4. Ajay Singh @ Sri Singh, aged about 38 years, Male, Son of Salandhar Singh, Resident of Village- Barughat, P.S.- Kudra, District- Kaimur at Bhabua.
 5. Rajendra Singh, aged about 35 years, Male, Son of Late Banke Bihari Singh, Resident of Village- Barughat, P.S.- Kudra, District- Kaimur at Bhabua.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants	:	Mr.Rajani Kant Pandey, Advocate.
For the Respondent	:	Mrs. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2020 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.

Re. I.A. No. 01 of 2020.



The aforesaid Interlocutory Application has been filed on behalf of the appellants for condonation of delay of 73 days in filing the present Cr. Appeal (SJ) No. 1561 of 2020.

For the reasons stated in the Interlocutory Application, delay in filing the present Cr. Appeal (SJ) No. 1561 of 2020, is condoned.

Accordingly, I.A. No. 01 of 2020 is allowed.

Re. Cr. Appeal (SJ) No. 1561 of 2020.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with SC/ST Bhabua P.S. Case No. 28 of 2019, registered for the offences under Sections 147, 148, 149, 341, 323, 354, 452, 342, 325, 379, 504, 506 of the IPC and Sections 3(1)(r)(s) (w) and 3(2)(Va) of the SC/ST (P.O.A.) Act.

The prosecution case, in short, is that on 05.08.2019 at about 7.30 O'clock in the morning, the informant's villagers namely, Manoj Singh, Deepak Singh, Mohan Singh, Ajay Singh @ Sri Singh entered in his house and pulled out and also they assaulted after tied up in the tree and when his wife and daughter came to save him then they assaulted his wife and daughter. Mohan Singh and Rajendra Singh assaulted to his wife and daughter also. Manoj Singh snatched the golden ear-ring



and Silwar Payal etc.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. General and omnibus allegation has been made against them. No specific overtact is alleged against them. The alleged occurrence has not 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 appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 04.01.2020, passed by learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST (P.O.A.) Act, Kaimur at Bhabua, in A.B.P. No. 1137 of 2019, arising out of SC/ST Bhabua P.S. Case No. 28 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, 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-cum-Special Judge, SC/ST (P.O.A.) Act, Kaimur at Bhabua, in connection with SC/ST Bhabua P.S. Case No. 28 of 2019.

(Sudhir Singh, J)

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