

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1499 of 2020

Arising Out of PS. Case No.-359 Year-2019 Thana- MAIRWAN District- Siwan

1. NIRAJ THAKUR @ NIRAJ KUMAR S/o- Rajesh Kumar Thakur Resident of Village- Mairwa Dham, P.S.- Mairwa, District- Siwan.
2. Rajesh Thakur @ Rajesh Kumar Thakur S/o- Ram Dahin Thakur Resident of Village- Mairwa Dham, P.S.- Mairwa, District- Siwan.
3. Birendra Kumar Thakur @ Bijendra Thakur S/o Ramesh Thakur Resident of Village- Mairwa Dham, P.S.- Mairwa, District- Siwan.
4. Kanhaiya Nath Thakur @ Kanhaiya Kumar @ Kanhaiya Kumar Singh S/o- Paras Nath Singh Resident of Village- Mairwa Dham, P.S.- Mairwa, District- Siwan.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-11-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 10.02.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Mairwa P.S. Case No. 359 of 2019 registered under Sections



341, 323, 504, 506 & 379/34 of the Indian Penal Code and Section 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was going towards Mairwa Dham, the appellants are said to have surrounded the informant and started using caste related derogatory language. They also assaulted him and snatched his mobile, chain and cash of Rs.650/- from the pocket of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

I have gone through the case record including the case diary, the independent witnesses have also supported the appellants' case and submitted that merely on suspicion the



appellants have falsely been implicated in this case. There is no eye witness in the present case.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Siwan in connection with Mairwa P.S. Case No.359 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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