

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1396 of 2020

Arising Out of PS. Case No.-63 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Shiv Shankar Thakur (male) , aged about 54 years, Son of Late Mohan Thakur Resident of Village - Ratnauli, P.S.- Maniyari, District - Muzaffarpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shila Devi (female) , aged about years, Wife of Ram Jivan Paswan Resident of Village - Ratnauli, P.S.- Maniyari, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vipin Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2020 Heard Mr. Vipin Kumar, learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl. Public Prosecutor appearing for the State through video conferencing.

The present appeal is directed against the order dated 12.02.2020 passed by learned Additional Sessions Judge -IX- cum- Special Judge (SC / ST Act), Muzaffarpur in A.B.P. No. 392 of 2020 in connection with Complaint Case No. 63 of 2018 registered under Sections 341, 323, 504, 379 , 354 of the I.P.C. and Section 3 (i) (x) of SC / ST Act whereby the prayer for anticipatory bail of the appellant has been rejected.

The prosecution story as per the complaint lodged by the complainant - Shila Devi is that she had gone at the shop of



Manoj Sahani to purchase 1 KG Potato and 1 KG Onion and when she asked for refund of Rs. 2/-, the accused persons including the appellant abused the complainant and called her by caste name and also snatched golden locket worth Rs. 5000/- from her neck.

Learned counsel for the appellant submits that appellant has falsely been implicated in this case as a counter blast inasmuch as earlier Pramod Kumar Sahani @ Pramod Sahani had lodged an F.I.R. bearing Maniyari P.S. Case No. 99 of 2018 against the husband of the complainant under Section 341 / 323 / 379 / 427 / 504 / 34 of the I.P.C. Learned counsel further submits that from perusal of the solemn affirmation (SA) of the complainant it does not appear that she was abused by her caste name in full public view.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is **allowed** and the impugned order dated 12.02.2020 in A.B.P. No. 392 of 2020 in connection with Complaint Case No. 63 of 2018 passed by learned Additional District & Sessions Judge -IX- cum- Special Judge (SC / ST Act), Muzaffarpur is set aside.

Accordingly, in the event of arrest or surrender by the



appellant, above named, before the court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -IX - cum- Special Judge (SC/ST Act), Muzaffarpur / court concerned in connection with Complaint Case No. 63 of 2018 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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