

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1391 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- WAJIRGANJ District- Gaya

MD. SAJID KHAN @ SAJID KHAN Son of Late Md. Idrish Khan Resident
of Village - Bala Bigha, P.S.- Wazirganj, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Onkar Nath
For the State : Mrs. Usha Kumari No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 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.

Learned counsel for the appellant 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.

It has been submitted on behalf of the appellant that
the present appeal is barred by limitation. It has further been
submitted that due to Covid-19 lockdown, the present appeal
could not be filed within time. He has further relied upon an
order of the Hon’ble Supreme Court passed ***SUO MOTU WRIT
PETITION (CIVIL) No(s). 3 of 2020*** under order dated 23-



03-2020.

In the light of the order of the Hon'ble Supreme Court as referred above, the delay in filing the appeal is condoned.

The matter relates to grant of anticipatory bail to the appellant in connection with Wazirganj P.S. Case No. 346 of 2019 registered for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506, 354 of the Indian Penal Code, 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, while the informant along with one of his friends went to a betel shop for having betel, the accused persons abused him by saying that forefathers of these Harijans never had betel and they are daring to have it. It is further alleged that the informant's Rs. 85,000/- was snatched. It is further alleged that one Zaheer Khan assaulted Vinod Rajbanshi by sword due to which, blood started oozing out from his head.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellants have falsely been implicated in the present case. The allegation of assault is alleged against other accused persons. The nature of injury is said to be simple. The matter has already been compromised between the parties. The



is no allegation of assault alleged against the appellant. The alleged occurrence has not taken place within the 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 appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 29-02-2020 passed by learned Executive Special Judge, SC/ST Act, Gaya in Wazirganj P.S. Case No. 346 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions, Gaya in connection with Wazirganj P.S. Case No. 346 of 2019.

(Sudhir Singh, J)

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