

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1445 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- MUFFASIL District- West Champaran

1. OM PRAKASH GUPTA @ BITU KUMAR Son of Suresh Prasad Resident of Village- Piprahiya, P.S.- Nawalpur, District- West Champaran.
2. Subhash Prasad Son of Late Mishri Prasad Resident of Village- Piprahiya, P.S.- Nawalpur, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Chand Prasad

For the Respondent/s : Mr.A.G

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 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.

The matter relates to grant of anticipatory bail to the appellants in connection with Bettiah Muffasil (Banuchapar O.P.) P.S. Case No. 140 of 2019 registered for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and



Sections 3(i)(r)(ii)(va) of the SC/ST Act.

Allegedly, while the informant being an employee of the appellant No. 1 demanded his arrears, the appellant No. 1 became angry and abused the informant taking his caste name. On protest, the informant was assaulted.

It has been submitted on behalf of the appellants that the appellant No. 2 has 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. Due to a petty reason, dispute took place between the parties. Superficial injury is said to have been caused. No grievous injury is caused to the victim. 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. The police submitted final form but the court below differed and took cognizance against the appellants.

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 26-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST (POCSO) Act, Bettiah, West Champaran in Bettiah Muffasil (Banuchapar



O.P.) P.S. Case No. 140 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST (POCSO) Act, Bettiah, West Champaran in connection with Bettiah Muffasil (Banichapar O.P.) P.S. Case No. 140 of 2019.

(Sudhir Singh, J)

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