

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1642 of 2020

Arising Out of PS. Case No.-540 Year-2019 Thana- MASHRAK District- Saran

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1. GWASKAR SINGH Son of Late Harivansh Singh Resident of Village-Shishai, P.S.- Mashrakh, District- Saran.
 2. Chandra Shekhar Singh Son of Late Harivansh Singh Resident of Village-Shishai, P.S.- Mashrakh, District- Saran.
 3. Raj Kishore Thakur Son of Munilal Thakur Resident of Village- Shishai, P.S.- Mashrakh, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 22.01.2020, passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, Saran at Chapra in a case registered for the offence punishable under Sections 341, 323, 354 (B), 504 and 34 of the Indian Penal Code and Section 3(i) (r) (w)/ 3(2) (Va) of the SC/ST Act, whereby anticipatory bail of the appellants have been rejected.

The prosecution case in brief is that on 23.10.2013 at about 7:30 PM, all these appellants along with Investigating



Officer, Hari Shankar Chaudhary of Panapur Police Station, went to the house of the informant, assaulted the informant and her family member and they also assaulted the 99 years old mother-in-law of the informant with slaps.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case. It is further alleged that on perusal of the F.I.R., it is apparent that the alleged occurrence took place in the 2013 but the F.I.R. has been lodged after a lapse of 6 years i.e., in the year 2019, which itself proves the falsity of the F.I.R.

Learned counsel for the State on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the inordinate delay in filing of F.I.R., this appeal is allowed and the impugned order dated 22.01.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the Court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special



Judge, SC/ST, Saran at Chapra in Mashrak Police Station Case
No. 540 of 2019.

(Prabhat Kumar Singh, J)

Ankit/-

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