

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1505 of 2020

Arising Out of PS. Case No.-350 Year-2019 Thana- BHORE District- Gopalganj

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1. RAM BILASH RAM Son of Dhani Ram Resident of Village - Gopalpur, P.S. Bhorey, District - Gopalganj.
 2. Ram Ekbal Singh Son of Indrajeet Singh Resident of Village - Gopalpur, P.S. Bhorey, District - Gopalganj.
 3. Brijmohan Sah Son of Ganga Sah Resident of Village - Domakiya, P.S. Bhorey, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjya Kumar Chaubey
For the State	:	Mr. Binay Krishna, 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 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.

It has been submitted on behalf of the appellants 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 in ***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 appellants in connection with Bhorey P.S. Case No. 350 of 2019 registered for the offences under Sections 341, 323, 354B, 504, 420, 120B of the Indian Penal Code and Sections 3(1)(R) of the SC/ST Act.

Allegedly, the accused persons had convened a Panchayati between the informant and others for the dispute over a piece of land. In Panchayati, it was assured that a Labada was executed but the same was not done. It is alleged that on the date of occurrence, while the informant was cleaning grass in her maize field, all the accused persons came and began to hurling filthy languages. On protest, the informant was assaulted due to which, she became undressed. It was also alleged that she was abused taking her caste name.

It has been submitted on behalf of the appellants that the appellants have 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. The injury is superficial in nature. No grievous injury is said to have been caused. 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 appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 12-02-2020 passed by learned Additional Sessions Judge-Ist, Gopalganj in Bhorey P.S. Case No. 350 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 Sessions Judge-Ist, Gopalganj in connection with Bhorey P.S. Case No. 350 of 2019.

(Sudhir Singh, J)

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