

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1502 of 2020

Arising Out of PS. Case No.-29 Year-2019 Thana- SC/ST District- East Champaran

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KRISHNA SINGH Son of Late Ramjee Singh Resident of Village - Jasauli
Patti, P.S. Kotwa, District - East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava
For the State : Mr. Binay Krishna, APP.

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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 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 appellant in connection with Motihari SC/ST P.S. Case No. 29 of 2019 registered for the offences under Sections 341, 323, 354, 406, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(a)(r)(s) of the SC/ST (POA) Act, 2015.

Allegedly, the appellant took Rs. 10,000/- from the informant in the name of getting her land allotted. It is further alleged that while the land was not allotted, the informant demanded her money as a result of which, the appellant abused her taking her caste name and also misbehaved with her.

It has been submitted on behalf of the appellant that 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 appellant is named in the Complaint Case/F.I.R.



In view of the aforesaid facts and circumstances, the order dated 03-03-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in Motihari SC/ST P.S. Case No. 29 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 Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in Motihari in connection with Motihari SC/ST P.S. Case No. 29 of 2019.

(Sudhir Singh, J)

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