

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1726 of 2020

Arising Out of PS. Case No.-44 Year-2019 Thana- SC/ST District- Vaishali

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1. MANJU DEVI @ MANJU KUMARI W/o Nitesh Kumar
 2. Nitesh Kumar S/o Ram Vinod Singh both at present R/o Mohalla-Gandhi Lane No.3, West Panchshil Nagar, Khagri Road, Danapur, District-Patna, Permanent R/o Village-Hussainipur via-Govindpur Singhara, P.S-Tisiauta, District-Vaishali.
 3. Harendra Kumar Singh S/o Late Kedar Singh Resident of Village-Mandai Dih, P.S-Patepur, District-Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rina Sinha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.



This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 20.01.2020 passed by learned Additional Sessions Judge-1st-cum Special Judge, Hajipur at Vaishali in connection with SC/ST P.S. Case No. 44 of 2019 registered under Sections 420, 406, 341, 323, 504/34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation upon the appellants is that they abused the informant by taking his caste name and also assaulted him with fists and slaps. Nitesh Kumar (appellant no. 2) having pistol threatened him but with the intervention of several people his life has been saved.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that date of occurrence is 05.11.2019 but FIR was lodged on 21.11.2019 after delay of 16 days and there is no explanation for the said delay. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition.



Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum Special Judge, Hajipur at Vaishali in connection with SC/ST P.S. Case No. 44 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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