

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1568 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- SHAHKUND District- Bhagalpur

1. UPENDRA RAI Son of Shyam Sundar Rai Resident of Village- Narayanpur, P.S.- Shahkund (Sajour), District- Bhagalpur.
2. Neelam Devi Wife of Upendra Rai Resident of Village- Narayanpur, P.S.- Shahkund (Sajour), District- Bhagalpur.
3. Nitish Kumar Rai @ Nitesh Rai Son of Upendra Rai Resident of Village- Narayanpur, P.S.- Shahkund (Sajour), District- Bhagalpur.
4. Harish Rai @ Harish Kumar Son of Upendra Rai Resident of Village- Narayanpur, P.S.- Shahkund (Sajour), District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manendra Kumar Sinha
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2020 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 Shahkund (Sajour) P.S. Case No.



88 of 2020 registered for the offences under Sections 341, 323, 325, 504, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(ii)(va) of the SC/ST Act.

Prosecution case in short is that the accused persons started abusing the informant on the pretext that the rain water from the side of informant was flowing towards the appellants. The informant replied that water flows towards you because your land is in lower side. Thereafter, the appellants started hurling abuses and committing Marpit, due to which, the informant sustained injuries.

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. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The nature of injury is said to be simple. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place at a public place. Hence, no offence under the 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 15-06-2020 passed by learned Additional District & Sessions Judge-IIIrd-cum-Special Judge, SC/ST Act, Bhagalpur in Shahkund (Sajour) P.S. Case No. 88 of 2020 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-IIIrd-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 88 of 2020.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

