

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5854 of 2019**

Arising Out of PS. Case No.-1137 Year-2012 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

-
1. Ramchandra Singh, aged about 42 years (Male), Son of Chumman Singh, Resident of Village- Ranglalahi, P.S.- Dhanaha, Distt- West Champaran.
 2. Pawan Kumar Singh @ Pawan Singh @ Aaditya Kumar Singh, aged about 23 years (Male), S/o Ramchandra Singh, Resident of Village- Ranglalahi, P.S.- Dhanaha, Distt- West Champaran.
 3. Ram Pratap Singh, aged about 50 years (Male), Son of Amala Singh, Resident of Village- Ranglalahi, P.S.- Dhanaha, Distt- West Champaran.

... .. Appellants

Versus

1. The State of Bihar.
2. Shambhu Ram, Son of Ram Pyare Ram, Resident of Village-Ranglalahi, Police Station-Dhanaha, District-West Champaran.

... .. Respondents

Appearance :

For the Appellants : Mr.Arbind Kumar Singh, Advocate.
For the State : Mrs.Usha Kumari No. 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 06-10-2020 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.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Complaint Case No. C-1137/2012, registered for the offences under Sections 341, 323, 504/34 of the I.P.C. and 3(i)(x) of the SC/ST Act.



The prosecution case, in short, is that on 04.11.2012 the nephew (*Bhatija*) of the complainant, aged about 08 years, was playing on the *Verandah* of *Samudayik Bhawan* which was adjacent to his house. In the meantime, appellant no. 1 Ramchandra Singh came and slapped his nephew and abused him by taking his caste name. When the complainant came and enquired about it from Ramchandra Singh, upon which, Ramchandra Singh abused him by taking his caste name and all accused persons assaulted the complainant with fists and slaps. Other villagers came there and saved him.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. General and omnibus allegation has been made against them. No specific overtact is alleged against them. There is case and counter case between the parties. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the



order dated 25.11.2019, passed in A.B.P. No. 320C of 2019 by learned Ist Additional Sessions Judge-cum-Special Judge, (SC/ST, POCSO), Bettiah, West Champaran, in connection with Complaint Case No. C-1137/2012, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 Ist Additional Sessions Judge-cum-Special Judge, (SC/ST, POCSO), Bettiah, West Champaran, in connection with Complaint Case No. C-1137/2012.

(Sudhir Singh, J)

U.K./-

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

