

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1422 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- NAUTAN District- Siwan

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1. ASHOK SINGH Son of Gajari Singh Resident of Village- Hasua, P.S.- Nautan, District- Siwan.
 2. Raju Son of Late Vyas Singh Resident of Village- Hasua, P.S.- Nautan, District- Siwan.
 3. Bablu Singh Son of Rampati Singh Resident of Village- Hasua, P.S.- Nautan, District- Siwan.
 4. Manish Singh Son of Ram Pratap Singh Resident of Village- Hasua, P.S.- Nautan, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-03-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the very outset, learned counsel for the appellants submits that during pendency of this appeal, the appellant No. 1 has already been taken into custody.

Accordingly, the present appeal with regard to appellant No. 1 is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the



appellant Nos. 2 to 4 in connection with Nautan P.S. Case No. 143 of 2020 registered for the offences under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST (POA) Act.

Allegedly, the accused persons having armed with weapons, came at the door of informant and on refusal to work, they assaulted the son of the informant, taking his caste name, as a result of which, the son of the informant sustained injury.

It has been submitted on behalf of the appellant Nos. 2 to 4 that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant Nos. 2 to 4. The appellants have falsely been implicated in the present case due to previous enmity. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The case was instituted after ten days of the occurrence. The delay in instituting the FIR has not been explained by the prosecution. 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 Nos. 2 to 4 are named in the Complaint Case/F.I.R.



In view of the aforesaid facts and circumstances, the order dated 02-12-2020 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in Nautan P.S. Case No. 143 of 2020 is set aside with regard to appellant Nos. 2 to 4 only. The present Criminal Appeal is allowed with regard to appellant Nos. 2 to 4 only.

Accordingly, let the appellant Nos. 2 to 4, above named, in the event of arrest or surrender before the learned court below within a period of six 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 Act, Siwan in connection with Nautan P.S. Case No. 143 of 2020.

(Sudhir Singh, J)

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