

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1374 of 2021**

Arising Out of PS. Case No.-475 Year-2020 Thana- MASHRAK District- Saran

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1. BIRENDRA SINGH @ VIRENDRA SINGH Son of Late Jodha Singh
Resident of Village - Durgauli, P.S.- Masharak, District - Saran at Chapra
 2. Prakash Manjhi @ Prakash Jhabhi Son of Late Mokhtar Manjhi Resident of
Village - Durgauli, P.S.- Masharak, District - Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh

For the Respondent/s : Mr. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellants have challenged the order dated
31.10.2020 passed by learned 1st Additional Sessions Judge
-cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP
No. 2516 of 2020 in connection with Mashrakh P.S. Case No.
475 of 2020 registered for the offences under sections 341, 323,
427, 504, 506, 34 of the Indian Penal Code and 3(I)(r), 2(va) of
the SC/ST (Prevention of Atrocities) Act whereby the prayer



made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that while the informant was filling the ditch, the accused persons assaulted him and when his wife came, the accused persons also assaulted him and abused by taking caste name.

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. Due to petty reason, the alleged occurrence is said to have taken place. The appellant no. 2 himself belong to SC/ST category. Hence, no offence under SC/ST Act is made out against him. The alleged occurrence is said to have taken place on 27.08.2020 for which case was instituted on 2.9.2020. The delay has not been explained by the prosecution. 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.

Considering the aforesaid facts and circumstances, the order dated 31.10.2020 passed by learned 1st Additional



Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP No. 2516 of 2020 in connection with Mashrakh P.S. Case No. 475 of 2020, is set aside.

The appeal stands allowed.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Mashrakh P.S. Case No. 475 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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