

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1349 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- JOGAPATTI District- West Champaran

1. Rajendra Sah son of Ashrif Sah Resident of village- Bishunpur, P.S- Yogapatti Dist- West Champaran
2. Rajkumar Sah son of Motilal Sah Resident of village- Bishunpur, P.S Yogaoatti , Dist- West Champaran
3. Motilal Sah son of Shtak Sah Resident of village- Bishunpur P.S- Yogapatti Dist- West Champaran
4. Pappu Kumar son of Rajencfra Sah Resident of village- Bishunpur P.S Yogapatti, Dist- West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2
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 submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.

Considering the submissions made on behalf of learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

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 21.09.2020 passed by learned 1st A.D.J.-cum- Special Judge, SC/ST (POA), Bettiah, West Champaran in ABP No. 1375 of 2020 in connection with Yogapatti P.S. Case No. 180/2020 registered for the offences under sections 341, 323, 504, 506, 34 of the Indian Penal Code, 25(1-b) of Arms Act, 3(i)(r) of 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 the accused persons, variously armed, came to the door and abused the informant 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. General and omnibus allegation has been made against the appellants. No fire arms is said to have been recovered from the possession of the appellants. 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 21.09.2020 passed by learned 1st A.D.J.-cum-Special Judge, SC/ST (POA), Bettiah, West Champaran in ABP No. 1375 of 2020 in connection with Yogapatti P.S. Case No. 180/2020, 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 A.D.J.-cum-Special Judge, SC/ST (POA), Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 180/2020.

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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