

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1333 of 2021

Arising Out of PS. Case No.-11 Year-2018 Thana- BARGAINIA District- Sitamarhi

1. SHARWAN KUMAR SAH S/o Nandu Sah R/o village- Nandwara, P.S.-
Bairgania, District- Sitamarhi
2. Umesh Kumar Sah S/o Yogendra Sah R/o village- Balapur, P.S.-
Ghorasahan, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Bidhu Ranjan

For the Respondent/s : Mrs. 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 03.02.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Siramarhi in ABP No. 62/2020 in connection with Bairgania P.S. Case No. 11/2018 registered for the offences under sections 341, 323, 324, 504, 34 of the Indian Penal Code and 3(i)(s) 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 the on account of political rivalry, the accused persons entered into scuffle with informant and threatened 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 political reason. Due to petty reason, a scuffle is said to have taken place between the parties. The case has been instituted after two months of the alleged occurrence. 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 03.02.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Siramarhi in ABP No. 62/2020 in connection with Bairgania P.S. Case No. 11/2018, 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 Act, Siramarhi in connection with Bairgania P.S. Case No. 11/2018.

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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