

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1353 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- THAWE District- Gopalganj

1. PRADEEP SINGH Son of Late Tej Narayan Singh @ Tija Singh Resident of Village - Ramchandrapur, P.S. - Thawe, District - Gopalganj - 841440.
2. Shailendra Kumar Singh @ Salendra Singh @ Stendra Singh Son of Late Tej Narayan Singh @ Teja Singh Resident of Village - Ramchandrapur, P.S. - Thawe, District - Gopalganj - 841440.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surendra Kishore Thakur
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 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 13.01.2021 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST, Gopalganj in ABP No. 31/2021 in connection with Thawe P.S. Case No. 220/2020 registered for the offences under sections 147, 148, 149, 341, 323, 324, 325, 307, 427, 435, 504, 506 of the Indian Penal Code read with Sections 3(i)(r)(s)(w)(z) and 3(ii)(v) of the SC/ST (Prevention



of Atrocities) Act and section 27 of the Arms 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, assaulted the informant and family members due to which he sustained injuries. The accused persons also abused them by taking their 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. There is a proceeding under Section 107 and 144 of the Cr.P.C. pending between the parties. There is a case and counter case between the parties. A free fight is alleged to have taken place. Both the sides have received injuries. The injuries on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. No occurrence is said to have 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 13.01.2021 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST, Gopalganj in ABP No. 31/2021 in connection with Thawe P.S. Case No. 220/2020, 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, Gopalganj in connection with Thawe P.S. Case No. 220/2020.

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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