

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1362 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- TANDWA District- Aurangabad

1. RAHUL KUMAR Son of Pratap Sao Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.
2. Sinesh Kumar Son of Lallu Sao Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.
3. Dinesh Kumar Son of Suresh Sao Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.
4. Suraj Sao Son of Mithilesh Sao Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.
5. Kail Sao Son of Prabhu Sao Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.
6. Chhotu Sao Son of Fekan Sao @ Fekan Saw Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.
7. Tetar Sao Son of Sugacharan Sao Resident of Village- Mohari Itawa, P.S.- Tandwa, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar Pandey, Advocate
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 defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences



under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/2(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that when the informant was returning from doing Chhathh Puja with his family by tempo, then the petitioners pulled the informant from the tempo and started assaulting him and torn his cloth and snatched his golden chain and also abused him by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and 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. No specific overt act is alleged against the appellants. No theft article 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 the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the



order dated 21.01.2021, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC0ST(POA), Aurangabad vide A.B.P. No.98 of 2021 in connection with Tandwa P.S. case No.114 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, 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 bond to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC0ST(POA), Aurangabad in connection with Tandwa P.S. case No.114 of 2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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