

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1386 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- SC/ST District- Samastipur

1. RAJIV KUMAR @ RAJIV KUMAR SAH Son of Ram Chandra Sah Resident of Village - Narghoghi, P.S. - Sarairanjan, District - Samastipur.
2. RAM CHANDRA SAH Son of Mishri Lal Sah Resident of Village - Narghoghi, P.S. - Sarairanjan, District - Samastipur.
3. SANJEEV KUMAR @ SANJEEV KUMAR SAH Son of Ram Chandra Sah Resident of Village - Narghoghi, P.S. - Sarairanjan, District - Samastipur.
4. SUJIT KUMAR SAH Son of Shiva Narayan Sah Resident of Village - Narghoghi, P.S. - Sarairanjan, District - Samastipur.
5. VIKASH KUMAR SAH Son of Shiva Narayan Sah Resident of Village - Narghoghi, P.S. - Sarairanjan, District - Samastipur.
6. SHIVA NARAYAN SAH Son of Munshi Lal Sah Resident of Village - Narghoghi, P.S. - Sarairanjan, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surya Narayan Roy
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 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.

The appellants have challenged the order dated 22.12.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Samastipur in ABP No. 2302



of 2020 in connection with SC/ST (Harijan) P.S. Case No. 80/2020 registered for the offences under sections 147, 448, 341, 323, 354, 504, 506/34 of the Indian Penal Code and 3(i)(r) (s), 3(2)(va) SC/ST 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 entered into the house of the informant and ousted her also abused her 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. No deadly weapon is said to have been used in course of the occurrence. General and omnibus allegation has been made against the appellants. 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, this Court is inclined to set aside the order dated 2.12.2020 passed by learned 1st Additional Sessions Judge -cum- Special



Judge, SC/ST Act, Samastipur in ABP No. 2302 of 2020 in connection with SC/ST (Harijan) P.S. Case No. 80/2020 by which the anticipatory bail of the appellants was rejected.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Samastipur in connection with SC/ST (Harijan) P.S. Case No. 80/2020.

The appeal stands allowed.

(Sudhir Singh, J)

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