

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.582 of 2020

Arising Out of PS. Case No.-599 Year-2019 Thana- BARACHATTI District- Gaya

1. Barhan Mistri @ Vadhan Mistri, (Male), aged about 45 years, Son of Bhola Mistri, Resident of Village Badki Bihiya, P.S. Mohanpur, District Gaya.
2. Pramod Mistri @ Pramod Sharma, (Male), aged about 26 years, Son of Barhan Mistri @ Vadhan Mistri, Resident of Village Badki Bihiya, P.S. Mohanpur, District Gaya.
3. Roushan Mistri @ Raushan Kumar, (Male), aged a bout 22 years, Son of Barhan Mistri @ Vadhan Mistri, Resident of Village Badki Bihiya, P.S. Mohanpur, District Gaya.
4. Mithun Mistri @ Mithun Sharma, (Male), aged about 24 years, Son of Barhan Mistri @ Vadhan Mistri, Resident of Village Badki Bihiya, P.S. Mohanpur, District Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-03-2021 Heard both sides.

The appellants filed this appeal under Section 14(a) (2) of the SC/ST Act against the order dated 25.01.2020, passed by learned Special Judge, SC/ST, Gaya in ABP No.09 of 2020, by which the learned Special Judge rejected the prayer for anticipatory bail of the appellants in Barachati P.S. Case No.599 of 2019, registered under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506 and 427 of the Indian Penal Code and under Section 3(1) (r)(s) of the SC/ST Act.



Learned counsel for the appellants submits that the complainant made allegation of abusing and assault by the appellants and others but the occurrence is said to have taken place on 18.03.2019. The complainant-informant filed complaint petition on 01.09.2019. The complaint is filed only after six months of the occurrence and no explanation for such delay is explained in the complaint petition, therefore, the entire allegation is a cock and bull story and is not at all reliable.

The learned Special P.P. submits by opposing the prayer for grant of anticipatory bail that there is allegation that the appellants assaulted the complainant, but it appears that the complainant herself stated that the occurrence took place on 18.03.2019 and the complaint petition was filed on 01.09.2019 and the same complaint petition was sent to the concerned P.S. for registration and investigation, but the complainant nowhere explained the delay of six months in filing the complaint petition.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail. Accordingly, the appeal is allowed. The order dated 25.01.2020, passed by learned Special Judge, SC/ST, Gaya in ABP No.09 of 2020 is set aside.

Appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing



bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, (SC/ST) Act, Gaya in connection with Barachati P.S. Case No.599 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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