

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1774 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- KOTWA District- East Champaran

1. SUDHA DEVI W/O GUDDU KUMAR Resident of Village - Konhawa, P.s.- Kotwa, Dist.- East Champaran.
2. Mintu Devi W/o Mahesh Prasad Resident of Village - Konhawa, P.s.- Kotwa, Dist.- East Champaran.
3. Mahesh Prasad Son of Late Chanchal Prasad Resident of Village - Konhawa, P.s.- Kotwa, Dist.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-07-2021 Heard Mr. Rakesh Kumar, learned counsel for the appellants and Ms. Usha Kumari, learned Spl. PP for the State.

The appellants have challenged the order dated 27.11.2020 passed by the learned Additional Sessions Judge 1st -cum- Special Judge, SC/ST, East Champaran in A.B.P. No. 2050 of 2020 arising out of Kotwa P.S. Case No. 56 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 323, 324, 341 and 307 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act has been rejected.

All the three appellants are said to have



assaulted the informant.

Learned counsel for the appellants has submitted that there is no injury report on record. The occurrence took place on 14.02.2020 but the case was registered on 24.02.2020 without any explanation about such delay in lodging of the FIR.

It has also been submitted that no motive has been assigned for the appellants for having assaulted the informant. Apart from this, it has been submitted that the appellants are neighbours of the informant. The accusation under the provisions of SC/ST Act has only been made to add seriousness to the offence.

Considering the aforesaid reasons, the order dated 27.11.2020 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, SC/ST Act, East Champaran in A.B.P. No. 2050 of 2020 arising out of Kotwa P.S. Case No. 56 of 2020.

(Ashutosh Kumar, J)

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