

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1868 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- KALYANPUR District- Samastipur

1. SHIV NATH RAY S/O BHUTA RAY @ BHUTU RAY R/O VILLAGE-GANGA SAGAR BALUAHA WARD NO.6, P.S-KALYANPUR, DISTRICT-SAMASTIPUR.
2. PRAMOD RAY @ PRAMOD KUMAR S/O SHIV NATH RAY R/O VILLAGE-GANGA SAGAR BALUAHA WARD NO.6, P.S.-KALYANPUR, DISTRICT-SAMASTIPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the appellants and 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 after restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Kalyanpur P.S. Case No. 264 of 2020 registered for the offences under Sections 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) (s)(x) of the SC/ST (POA) Act.

Allegedly, the accused persons were harvesting paddy in the field of the informant. On protest, the accused persons



started abusing and assaulting. The informant sustained injury. A mobile, gold chain and cash Rs. 12,000/- is also said to have been snatched away in the occurrence.

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 case and counter case between the parties. The injury on the side of the appellants side has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of 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 22-01-2021 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Samastipur in Kalyanpur P.S. Case No. 264 of 2020 is set aside. The present Criminal Appeal is *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 bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Samastipur in connection with Kalyanpur P.S. Case No. 264 of 2020.

Once the normalcy is restored, the appellants shall 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)

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