

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1853 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- SC/ST District- Khagaria

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1. RANVEER KUMAR @ RANVIR KUMAR Son of Tapeshari Mahto Resident of Village - Chhoti Balha, P.S.- Mansi, Distt.- Khagaria.
 2. MITHELESH MAHTO @ MITHILESH MAHTO Son of Tapeshwari Mahto Resident of Village - Chhoti Balha, P.S.- Mansi, Distt.- Khagaria.
 3. BIPIN MAHTO Son of Chandeshari Mahto Resident of Village - Chhoti Balha, P.S.- Mansi, Distt.- Khagaria.
 4. MITHUN KUMAR Son of Ram Kumar Mahto Resident of Village - Chhoti Balha, P.S.- Mansi, Distt.- Khagaria.
 5. MANISH KUMAR Son of Upendra Mahto Resident of Village - Chhoti Balha, P.S.- Mansi, Distt.- Khagaria.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bishweshwar Ram
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.

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08-03-2021 passed by the Hon'ble Apex Court in Suo Motu Writ Petition (Civil) No. 3 of 2020.

Considering the submissions made on behalf of the counsel for the appellants, the limitation, as pointed out by office, is condoned.

At the outset, learned counsel for the appellants submits



that during pendency of this appeal, the appellant No. 1 has been taken into judicial custody and hence this appeal as against the appellant No. 1 has become infructuous.

Accordingly, this appeal with regard to appellant No. 1 is dismissed as withdrawn being infructuous.

Now learned counsel moves this appeal with regard to appellant Nos. 2 to 5 only.

The matter relates to grant of anticipatory bail to the appellants in connection with Khagaria SC/ST P.S. Case No. 03 of 2020 registered for the offences under Sections 147, 341, 323, 337, 338, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)3(2) (va) of the SC/ST Act.

Allegedly, the accused abused the informant calling his caste name and assaulted.

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 accused has not been explained by the prosecution. The present case has been instituted after two days of the occurrence. The delay in instituting the FIR has not been explained by the prosecution. 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 04-07-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Khagaria in Khagaria SC/ST P.S. Case No. 03 of 2020 is set aside with respect to the appellant Nos. 2 to 5 only. Accordingly, the present Criminal Appeal is *allowed* with respect to the appellant Nos. 2 to 5 only

Let the appellant Nos. 2 to 5, 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, Khagaria in connection with Khagaria SC/ST P.S. Case No. 03 of 2020.

Once the normalcy is restored, the appellant Nos. 2 to 5 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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