

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1906 of 2021**

Arising Out of PS. Case No.-41 Year-2020 Thana- SC/ST District- Vaishali

1. ANIL SAH Son of Vinod Sah Resident of village - Pohiyar Buzurg, P.S. - Desari, District - Vaishali.
2. Ram Nath Sah Son of Jay Kishun Sah Resident of village - Pohiyar Buzurg, P.S. - Desari, District - Vaishali.
3. Ranjeet Sah Son of Late Raja Ram Sah Resident of village - Pohiyar Buzurg, P.S. - Desari, District - Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Shyameshwar Kumar Singh  
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 07.01.2021 passed by learned 1<sup>st</sup> Additional District and Sessions Judge-cum- Special Judge, Vaishali at Hajipur in ABP No. 3093 of 2020 in connection with Hajipur SC/ST P.S. Case No. 41 of 2020 registered for the offences under sections 341, 323, 324, 354, 504/34 of the Indian Penal Code and 3(1)(r)(s)



(w)(i) of SC/ST (Prevention of Atrocities) 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 assaulted the informant with lathi and also abused 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. The date of occurrence is said to be 18.8.2020 for which F.I.R. was instituted on 25.8.2020. The delay has not been explained by the prosecution. 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 07.01.2021



passed by learned 1<sup>st</sup> Additional District and Sessions Judge-cum- Special Judge, Vaishali at Hajipur in ABP No. 3093 of 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 1<sup>st</sup> Additional District and Sessions Judge-cum- Special Judge, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 41 of 2020.

The appeal stands allowed.

**(Sudhir Singh, J)**

Pankaj/-

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