

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1905 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- SC/ST District- Sitamarhi

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1. SHANKAR SAH Son of Late Rudal Sah Resident of Village - Mohni Mandal, P.S. Suppi, District - Sitamarhi.
 2. Dinesh Sah Son of Late Rudal Sah Resident of Village - Mohni Mandal, P.S. Suppi, District - Sitamarhi.
 3. Narayan Sah Son of Late Rudal Sah Resident of Village - Mohni Mandal, P.S. Suppi, District - Sitamarhi.
 4. Ram Dhani Mahto Son of Late Badri Mahto Resident of Village - Mohni Mandal, P.S. Suppi, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra 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
08.09.2020 passed by learned 1st Additional Sessions Judge
-cum- Special Judge, SC/ST Act, Sitamarhi in ABP No. 885 of
2020/130 of 2020 in connection with Sitamarhi SC/ST P.S. Case
No. 20 of 2020 registered for the offences under sections 341,



323, 504, 506/34 of the Indian Penal Code and 3(1)(c)(r)(s) 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 abused the informant 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. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The date of occurrence is said to be 22.09.2019 for which F.I.R. was instituted on 12.06.2020. The delay in lodging the F.I.R. has not 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 08.09.2020



passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Sitamarhi in ABP No. 885 of 2020/130 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 learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 20 of 2020.

The appeal stands allowed.

(Sudhir Singh, J)

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