

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1902 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- WAJIRGANJ District- Gaya

1. Pappu Kumar, aged about 35 years (Male), Son of Eshwari Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
2. Shivam Kumar, aged about 27 years (Male), Son of Sharan Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
3. Anuj Kumar, aged about 32 years (Male), Son of Radho Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
4. Birbal Kumar @ Birbal Prasad, aged about 38 years (Male), Son of Payru Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
5. Kishor Prasad @ Kishor @ Kishor Kumar @ Raj Kishore Kumar (Male), aged about 24 years, Son of Ragho Prasad, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
6. Santosh Kumar, aged about 34 years (Male), Son of Late Baiju Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
7. Udal Kumar, aged about 20 years, Son of Birju Prasad, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
8. Hari Matho, aged about 64 years (Male), Son of Late Shankar Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.
9. Vinit Kumar, aged about 24 years (Male), Son of Munshi Mahto, Resident of Village Bhangousha, P.S. Wazirganj, District - Gaya.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants : Mr. Vishwa Ranjan Choudhary, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

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. 03 of 2020.

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

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Wazirganj P.S. Case No. 126 of 2020, registered for the offences under Sections 341, 323, 504, 379, 354/34 of the I.P.C. and 3(1)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that the appellants are highhanded persons and used to disturb the peace in the area and then it is alleged that on 12.03.2020 when the informant was returning to his village with his wife, appellant no. 9 Vinit Kumar intercepted him alongwith 15 to 20 people saying that being a Chamaar, he is trying to become a leader and organize the programme in the name of Ambedkar. He stated that on that day he had held an event under the banner of Ambedkar Club. It is further alleged that on the instigation of appellant no. 9 Vinit Kumar, appellant no. 7 Udal Kumar, started assaulting him and his wife and also molested with his wife. It is further alleged



that a gold ear-ring has been snatched by the appellants and they chased them into their house and it was only when the villagers intervened, honour of his wife would be saved.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There was scuffle took place between the parties. There is case and counter case between the parties. General and omnibus allegation has been made against the appellants. No weapon is said to have been used in course of occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 31.08.2020, passed in connection with Wazirganj P.S. Case No. 126 of 2020 by learned Exclusive Special Judge SC/ST, Gaya, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or 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 the learned Exclusive
Special Judge, SC/ST, Gaya, in connection with Wazirganj P.S.
Case No. 126 of 2020.

Once the normalcy is restored, the appellants shall
furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each
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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