

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1897 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- MEHANDIGANJ District- Patna

1. FUL KUMARI DEVI @ FUL KUMARI Wife of Jodhan Choudhary Resident of Pasitola, Pratappur, P.S. - Mehndiganj, District - Patna.
2. Satyendra Choudhary Son of Jodhan Choudhary Resident of Pasitola, Pratappur, P.S. - Mehndiganj, District - Patna.
3. Jodhan Choudhary Son of Late Vilash Choudhary Resident of Pasitola, Pratappur, P.S. - Mehndiganj, District - Patna.
4. Binod Choudhary Son of Jodhan Chou Resident of Pasitola, Pratappur, P.S. - Mehndiganj, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar

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 03.02.2021 passed by learned Special Judge, SC/ST, Patna in ABP No. 490/2021 in connection with Mehandiganj P.S. Case No. 03/2021 registered for the offences under sections 147, 148, 149, 323, 341, 447, 427, 354, 379, 504, 506 of the Indian



Penal Code and 3(i)(r)(s), 3(2)(va) of the SC/ST 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 came to the house of informant and assaulted him and also family members due to which they sustained injury. The accused persons also abused them 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. All the appellants belong to SC/ST community. 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 03.02.2021 passed by learned Special Judge, SC/ST, Patna in ABP No. 490/2021 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 Addl. District Judge-III-cum-Special Judge, SC/ST Act, Patna in ABP No. 490/2021 in connection with Mehandiganj P.S. Case No. 03/2021

The appeal stands allowed.

(Sudhir Singh, J)

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