

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.967 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- SC/ST District- Samastipur

1. BRAHM DEV GIRI Son of Late Sita Ram Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
2. Durga Giri Son of Late Sita Ram Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
3. Naval Giri Son of Late Sita Ram Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
4. Geeta Devi Wife of Brahm Dev Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
5. Asha Devi Wife of Durga Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
6. Renu Devi Wife of Naval Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
7. Ankit Giri @ Ankit Kumar Son of Durga Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
8. Anchal Kumari Daughter of Durga Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.
9. Ragani Devi @ Ragani Kumari Daughter of Durga Giri Resident of Village-Pokhraise, Ward No.07, Giri Tola, Police Station-Samastipur Mufassil, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kamlesh Kumar Pathak
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2021 Heard learned counsel for the appellants and learned
APP for the State.

The matter relates to grant of anticipatory bail to the
appellants in connection with a case registered for the offences



under Sections 147, 149, 323, 341, 354, 504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants abused the informant by calling her caste name and appellant No.1 pulled Saree of the informant and assaulted her by fists and slaps.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and 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. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence has not taken place within public view. Hence no offence under the 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 04.02.2020, passed by the learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Samastipur vide A.B.P. No.188 of 2020 in connection with SC/ST



Samastipur P.S. case No.05 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Samastipur in connection with SC/ST Samastipur P.S. case No.05 of 2020.

(Sudhir Singh, J)

Narendra/-

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