

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.909 of 2020

Arising Out of PS. Case No.-285 Year-2015 Thana- JOGAPATTI District- West Champaran

1. CHUNNU RAI S/o Bhagwat Rai @ Bhagvath Ray Resident of Village-Laxmipur, P.S.- Yogapatti, Distt- West Champaran.
2. Munnu Rai S/o Bhagwat Rai @ Bhagvath Ray Resident of Village-Laxmipur, P.S.- Yogapatti, Distt- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Usha Kumari 1

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 341, 323, 324, 504/34 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants assaulted the informant by farsa causing head injury and they abused him using caste name.

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. The informant subsequently had filed a petition in the court below, where he has retracted from his earlier statement made in the F.I.R. The said petition is Annexure 3 to the present appeal. 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 05.02.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, (SC/ST/POCSO), Bettiah, West Champaran vide A.B.P. No.3194 of 2019 in connection with Yogapatti P.S. case No.285 of 2015 (Tr. No.30 of 2018), 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 1st Additional District & Sessions Judge-cum-Special Judge,



(SC/ST/POCSO), Bettiah, West Champaran in connection with
Yogapatti P.S. case No.285 of 2015 (Tr. No.30 of 2018).

(Sudhir Singh, J)

Narendra/-

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