

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2069 of 2021

Arising Out of PS. Case No.-540 Year-2019 Thana- MASHRAK District- Saran

NITISH THAKUR S/O NAND KISHORE THAKUR R/o village- Shishai,
P.S.- Mashrakh, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the defect(s), 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 appellant in connection with Mashrakh P.S. case No.540/2019 registered for the offences under Sections 341, 323, 354(B), 504/34) of the Indian Penal Code and Sections 3(i)(r)(w)/3(2) (va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellant along with Investigating Officer, namely, Hari Shankar Chaudhary of Panapur Police Station went to the house of the informant and assaulted the husband of



the informant and her children and they also assaulted 99 years old mother-in-law of the informant with slaps. Co-accused Gawaskar Singh gave knife blow to the husband of the informant, due to which he sustained injury on his head.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellant. The case has been instituted after six years of the alleged occurrence. Delay has not been explained by the prosecution. 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 appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 08.02.2021, passed by the learned 1st Additional Sessions Judge/Special Judge, SC/ST, Saran, Chapra vide A.B.P. No.344 of 2021 2020 in connection with Mashrakh P.S. case No.540 of 2019, is set aside. The criminal appeal is allowed.

Let the appellant, 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 his personal bond to the satisfaction of learned 1st Additional Sessions Judge/Special Judge, SC/ST, Saran, Chapra in connection with Mashrakh P.S. case No.540 of 2019.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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