

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2059 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- CHANPATIA District- West Champaran

Sipahi Ojha @ Sipahi Kumar S/O Kanha Ojha R/O Village-Yadav Chhapar,
P.S-Chanpatiya (KUMARBAGH O.P.), District-West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr. 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 Chanpatia (Kumarbagh O.P.) P.S. case No.215/2020 registered for the offences under Sections 147, 149, 323, 354B, 427, 436, 448, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(v)(v-a) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellant dashed the son of the informant by motorcycle, due to which he sustained injury. Thereafter the



accused persons including the appellant came at the door of the informant and abused and assaulted her and torn her clothes and they put the house of the informant on fire, as a result of which the properties worth Rs.50,000/- were burnt.

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. No specific overt act is alleged against the appellant. The case has been instituted after three days 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 23.01.2021, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran vide A.B.P. No.209 of 2021 in connection with Chanpatia (Kumarbagh O.P.) P.S. case No.215/2020, 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 District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Chanpatia (Kumarbagh O.P.) P.S. case No.215/2020.

Once the normalcy is restored, the appellant shall 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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