

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.932 of 2020

Arising Out of PS. Case No.-66 Year-2017 Thana- SIKTA District- West Champaran

1. ROHULLAH MIYAN @ REHULLAH ALAM Son of Anjar Miyan Resident of Village - Kursi Barwa, P.S.- Sikta, District - West Champaran.
2. Sonu Miyan Son of Anjar Miyan Resident of Village - Kursi Barwa, P.S.- Sikta, District - West Champaran.
3. Salahuddin Miyan Son of Adalat Miyan Resident of Village - Kursi Barwa, P.S.- Sikta, District - West Champaran.
4. Amruddin Miyan Son of Adalat Miyan Resident of Village - Kursi Barwa, P.S.- Sikta, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brisketu Sharan Pandey
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2021 Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the appellants and learned APP for the State.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(r) 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 iron rod and farsa, due to which the informant sustained injuries and the accused persons also abused the informant by taking his 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. After investigation, the police had submitted final form against the appellants. The appellants were not sent up for trial. The court below has differed with the said police report and taken cognizance. 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 02.01.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST/POCSO), West Champaran vide A.B.P. No.2946 of 2019 in connection with Sikta P.S. case No.66 of 2017, 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 and Sessions Judge-cum-Special Judge, (SC/ST/POCSO), West Champaran in connection with Sikta P.S. case No.66 of 2017.

(Sudhir Singh, J)

Narendra/-

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