

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2045 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- SC/ST District- Bhojpur

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1. HIMANSHU SINGH @ HIMANSHU KUMAR @ HIMANSHU KUMAR SINGH Son of Shashi Bhushan Singh Resident of Village- Yoga Kharaicha, P.S.- Chaori, District- Bhojpur.
 2. Bhushan Singh @ Shashi Bhushan Singh Son of Late Ram Awdhesh Singh @ Butan Singh Resident of Village- Yoga Kharaicha, P.S.- Chaori, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with SC/ST P.S. Case No. 67 of 2020 registered for the offences under Sections 341, 323, 379, 354(B), 504/34 of the Indian Penal Code and Sections 3(1)(r)(s) (w) of the SC/ST (POA) Act.

Allegedly, while the informant Meera Devi was sitting at her door, the accused persons came there and started abusing



taking her caste name. The accused persons assaulted her by means of fist and slaps. Some ornaments are alleged to have been taken away.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. 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 against the appellants. Assault is by way of fist and slaps. No weapon is said to have been used in course of the occurrence. The FIR has been instituted after five days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 01-02-2021 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Bhojpur, Ara in SC/ST P.S. Case No. 67 of 2020 is set aside. The present Criminal Appeal is *allowed*.



Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Bhojpur, Ara in connection with SC/ST P.S. Case No. 67 of 2020.

Once the normalcy is restored, the appellants 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)

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