

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.948 of 2020

Arising Out of PS. Case No.-11 Year-2017 Thana- COMPLAINT CASE District- Kishanganj

ITWARI @ MD. ITWARI @ AMIRUDDIN Son of Late Md. Usman @
Usman Resident of Village Koimari, Altabari P.S. Bahadurganj, District
Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Aam Lal Harijan Son of Late Kanchal Lal Harijan Resident of Village
Koimari, P.S. Bahadurganj, District Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-03-2021 **Ref:** **I.A. No. 01 of 2021**

This interlocutory application has been filed for
condonation of delay in filing the present Memo of appeal.

Considering the grounds taken in the application, the
present interlocutory application is ***allowed***.

The delay in filing the present Memo of appeal is
condoned.

Cr. Appeal No. 948 of 2020

Heard the parties.

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



The matter relates to grant of anticipatory bail to the appellant in connection with Complaint Case No. 11-C/17 giving rise to Special SC/ST Case No. 18 of 2018 registered for the offences under Sections 147, 148, 323, 379, 354, 504, 506/34 of the Indian Penal Code and Section 3/4 of the SC/ST (POA) Act.

Allegedly, the passage meant for ingress and egress of the complainant/informant was forcefully occupied by the accused persons. On protest, the complainant/informant was assaulted and abused. Rs. 5000/- is also said to have been snatched. The caste name of the complainant/informant was also taken by the accused persons with a view to humiliating him.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. 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 against the appellant. For a petty reason, the alleged occurrence is said to have taken place. 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 appellant is



named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 30-08-2019 passed by learned Additional District & Sessions Judge-Ist, Kishanganj in Complaint Case No. 11-C/17 giving rise to Special SC/ST Case No. 18 of 2018 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Kishanganj in connection with Complaint Case No. 11-C/17 giving rise to Special SC/ST Case No. 18 of 2018.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

