

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.947 of 2020**

Arising Out of PS. Case No.-42 Year-2019 Thana- SC/ST District- Bhojpur

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1. LAKSHMAN SAH Son of Late Janki Sah Resident of Village- Shubhkaranganj, P.S.- Ara Muffasil, District- Bhojpur.
  2. Parvati Devi Wife of Lakshman Sah Resident of Village- Shubhkaranganj, P.S.- Ara Muffasil, District- Bhojpur.

... .. Appellant/s

Versus

THE SATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Anil Kumar  
For the Respondent/s : Mr.Binay Krishna

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**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 appellants in connection with a case registered for the offences under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellant No.2 provoked her husband (appellant No.1) to assault the



informant and appellant No.1 abused the informant using his caste name and assaulted him with fists and slaps and the appellants took out Rs.1300/- from the pocket of the informant.

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. No incriminating is said to have been recovered from the possession of the appellants. 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 25.01.2020, passed by the learned Additional Sessions Judge 1<sup>st</sup>, Bhojpur at Ara vide A.B.P. No.01 of 2020 in connection with SC/ST case No.174 of 2019 arising out of Bhojpur SC/ST P.S. case No.42 of 2019, 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 Additional Sessions Judge 1<sup>st</sup>, Bhojpur at Ara in connection with SC/ST case No.174 of 2019 arising out of Bhojpur SC/ST P.S. case No.42 of 2019,

**(Sudhir Singh, J)**

Narendra/-

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