

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.959 of 2020

Arising Out of PS. Case No.-70 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. RANVIJAY KUMAR Son of Awadh Chandrawanshi Resident of Village - and P.O. - Kudwa, P.S.- Goh, Dist.- Aurangabad.
 2. Awadh Chandrawanshi @ Awadh Ram Son of Late Jatan Chandrawanshi Resident of Village - and P.O. - Kudwa, P.S.- Goh, Dist.- Aurangabad.
 3. Chhotu Chandrawanshi @ Chhotou Kumar Son of Awadh Chandrawanshi @ Awadh Ram Resident of Village - and P.O. - Kudwa, P.S.- Goh, Dist.- Aurangabad.
 4. Ranjit Chandrawanshi @ Ranjit Kumar Son of Awadh Chandrawanshi @ Awadh Ram Resident of Village - and P.O. - Kudwa, P.S.- Goh, Dist.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

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 3(1)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.



The prosecution case, in short is that the appellants assaulted the informant by means of fists and slaps and also abused him 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. The case was instituted on the basis of complaint case. In course of enquiry, the offences under Sections 341 and 323 of I.P.C. were found to be false and the process was issued only for an offence under the SC/ST Act. The alleged occurrence is said to have taken place on 14.08.2018 and the complaint case was filed on 24.08.2018. The delay has not been explained by the prosecution. It is a case and counter case between the parties. The injuries on the side of the appellants have not been explained by the prosecution. The prosecution has not come with clean hands. 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 complaint case.

In view of the aforesaid facts and circumstances, the



order dated 27.01.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, (SC/ST), Aurangabad vide A.B.P. No.133 of 2020 in connection with Complaint case No.70 of 2018, 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 & Sessions Judge-cum-Special Judge, (SC/ST), Aurangabad in connection with Complaint case No.70 of 2018.

(Sudhir Singh, J)

Narendra/-

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