

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2114 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- KASHICHAK District- Nawada

1. Ajay Yadav S/O Jageshwar Yadav Resident Of Village Uprawan, P.S Kashichak, District Nawada
2. Birendra Yadav S/O Bajo Yadav Resident Of Village Uprawan, P.S Kashichak, District Nawada
3. Radhika Manjhi S/O Masudan Manjhi Resident Of Village Uprawan, P.S Kashichak, District Nawada

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. SPL. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellants have challenged the order dated 08.02.2021 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Nawada in ABP No. 133/2021 in connection with Special Case No. 278/2020 arising out of kashichak P.S. Case No. 219/2020 registered for the offences under sections 341, 323, 504, 34 of the Indian



Penal Code, 27 of the Arms Act and 3(i)(r)(s) of the SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that on the issue of construction on government land, the accused persons opened fire and threatened the informant to kill the informant.

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. The informant of the case has filed a petition in the Court below where he has retracted from the earlier statement made in the F.I.R.. The said petition is Annexure-3 to the present application. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 08.02.2021 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Nawada in ABP No. 133/2021 in connection with Special Case



No. 278/2020 arising out of Kashichak P.S. Case No. 219/2020, is set aside.

The appeal stands 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 bonds to the satisfaction of learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Nawada in connection with Special Case No. 278/2020 arising out of Kashichak P.S. Case No. 219/2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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