

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.998 of 2020**

Arising Out of PS. Case No.-358 Year-2019 Thana- TEKARI District- Gaya

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1. PINKRAJ CHAKRABARTI @ SRI PINKRAJ CHAKRABARTI Son of Sri Krishna Sharma Resident of Village - Pura, P.S.- Tekari, Dist.- Gaya.
 2. Sri Akhilesh Singh @ Akhilesh Sharma Son of Sri Adya Singh Resident of Village - Pura, P.S.- Tekari, Dist.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-02-2021 Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

Heard learned counsel for the appellants and learned counsel for the State.

The appellants have challenged the order dated 27.01.2020 passed by learned Exclusive Special Judge, SC/St, Gaya in ABP No. 27 of 2020 in connection with Tekari P.S. Case No. 358/2019 registered for the offences under sections 323, 504, 506/34 of the Indian Penal Code 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 the accused persons abused the informant taking her caste name.

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 due to political reason. The informant happened to be Mukhiya. No specific overt act is alleged against the appellants. No occurrence is said to have 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, this Court is inclined to set aside the order dated 27.01.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 27 of 2020 in connection with Tekari P.S. Case No. 358/2019 by which the anticipatory bail of the appellants was rejected.

Let 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 Exclusive Special Judge, SC/ST, Gaya in connection with Tekari P.S. Case No. 358/2019.

The appeal stands allowed.

(Sudhir Singh, J)

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