

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1146 of 2020

Arising Out of PS. Case No.-384 Year-2019 Thana- DAUDNAGAR District- Aurangabad

1. DEVENDRA KUMAR SINGH @ DEVENDRA SINGH Son of Late Rampati Singh Resident of Village - pilchhi, P.S.- Daud Nagar, Distt.- Aurangabad.
2. Girja Bhushan Singh @ Girja Bhushan Prasad Singh Son of Late Ramishwar Singh Resident of Village - pilchhi, P.S.- Daud Nagar, Distt.- Aurangabad.
3. Lallu Kumar Son of Chhotan Yadav Resident of Village - pilchhi, P.S.- Daud Nagar, Distt.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 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 323, 427, 447, 504, 506 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused



persons including the appellants abused the informant by taking her caste name and they also assaulted the informant by fists and slaps and also caught her arms and threw on the earth with ill intention.

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. General and omnibus allegation has been made. No specific overt act is alleged against 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 23.01.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST), Aurangabad vide A.B.P. No.100 of 2020 in connection with Daudnagar P.S. case No.384 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 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST), Aurangabad in connection with Daudnagar P.S. case No.384 of 2019.

(Sudhir Singh, J)

Narendra/-

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