

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2116 of 2021

Arising Out of PS. Case No.-204 Year-2019 Thana- DARBHANGA District- Darbhanga

1. SUNIL KUMAR @ SUNIL KHATTIK S/o- Late Ramashish Sah Resident of Village- Hasanchak, P.S.- Town, District- Darbhanga.
2. Ranjit Kumar @ Ranjit Khattik S/o- Dilip Prasad Resident of Village- Hasanchak, P.S.- Town, District- Darbhanga.
3. Rajesh Prasad @ Rajesh Sah S/o- Bhola Prasad Sah Resident of Village- Hasanchak, P.S.- Town, District- Darbhanga.
4. Krishna Kumar @ Krsihan Sah @ Krishna Kumar Bihari S/o- Bhola Prasad Sah @ Bhola Prasad Resident of Village- Hasanchak, P.S.- Town, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Ranjan, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-09-2021 Heard learned counsel for the appellants and learned Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 323, 341, 504, 506/34 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 appellant No.1 assaulted the informant with lathi, danda. Appellant Nos.2 to 4 and 4-5 unknown persons assaulted the informant's father and other family members of the informant and the accused persons abused them by taking their 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. No grievous injury is said to have been caused in course of occurrence. So far the appellant Nos.2 to 4 are concerned, general and omnibus allegation has been made. It is a case and counter case between the parties. Free fight is alleged to have taken place. The case has been instituted after three days of the alleged occurrence. 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 02.02.201, passed by the learned Additional Sessions Judge First-cum-Special Judge (POA Act), Darbhanga



vide A.B.P. No.78 of 2021 in connection with Town P.S. case No.204 of 2019, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Sessions Judge First-cum-Special Judge (POA Act), Darbhanga in connection with Town P.S. case No.204 of 2019.

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

Narendra/-

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