

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2485 of 2021

Arising Out of PS. Case No.-772 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. NARAYAN PAL @ NARAYAN CHANDRA PAUL Son of Late Nagendra Pal R/O Rifujee Colony Madhubani, P.S. - K. Hat, District - Purnea.
2. Ram Pal @ Rohit Pal Son of Narayan Pal @ Narayan Chandra Pal R/O Rifujee Colony Madhubani, P.S. - K. Hat, District - Purnea.
3. Lakhan Pal Son of Narayan Pal @ Narayan Chandra Pal R/O Rifujee Colony Madhubani, P.S. - K. Hat, District - Purnea.
4. Krishna Pal @ Puchi Pal Son of Narayan Pal @ Narayan Chandra Pal R/O Rifujee Colony Madhubani, P.S. - K. Hat, District - Purnea.
5. Pranav pal Son of Narayan Pal @ Narayan Chandra Pal R/O Rifujee Colony Madhubani, P.S. - K. Hat, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Bidhu Ranjan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 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 147, 149, 341, 323, 504, 506 of the Indian Penal Code and Sections 3(r)(s) of the SC/ST (Prevention of



Atrocities) Act, 1989.

The prosecution case, in short, is that the appellant No.2 abused the informant by taking his caste name and on the order of appellant No.1, appellant No.2 having iron rod in his hand hurled on the informant, due to which he sustained injury in his finger and other accused persons assaulted him by iron rod and lathi and appellant No.3 hurled bhujali, which hit on the head of the father of the informant.

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 offences relating to I.P.C. are bailable. The nature of injury is said to be simple. 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 10.02.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea vide A.B.P. No.07 of 2021/C.I.S. No.07 of 2021 in connection with



K. Hat (Madhubani) P.S. case No.772 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with K. Hat (Madhubani) P.S. case No.772 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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