

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1095 of 2020

Arising Out of PS. Case No.-108 Year-2019 Thana- SAHIYARA District- Sitamarhi

1. ASHWANI KUMAR @ CHANDAN KUMAR Son of Dharmendra Singh R/o Village-Jalsi, P.S.-Sahiyara, District-Sitamarhi.
2. Dharmendra Singh Son of Ram Lakhan Singh R/o Village-Jalsi, P.S.-Sahiyara, District-Sitamarhi.
3. Ram Binay Singh Son of Nageshwar Singh R/o Village-Jalsi, P.S.-Sahiyara, District-Sitamarhi.
4. Dinesh Singh @ Ram Dinesh Singh Son of Nageshwar Singh R/o Village-Jalsi, P.S.-Sahiyara, District-Sitamarhi.
5. Ramesh Kumar Son of Umakant Singh R/o Village-Jalsi, P.S.-Sahiyara, District-Sitamarhi.
6. Raja Kumar Son of Ram Shresth Singh R/o Village-Jalsi, P.S.-Sahiyara, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Sahiyara P.S. Case No. 108 of 2019 registered for the offences under Sections 341, 323, 379, 504/34 and 427 of the Indian Penal Code and Sections 3(1)(r)



(s)of the SC/ST (Prevention of Atrocities) Act.

Allegedly, while the informant, the Sarpanch of Gram Panchayat Raj, Harnahiya was sitting at his door, the accused persons named in the FIR came at his door and calling his caste name, abused him. On protest, the accused persons entered his house and assaulted him. It is also alleged that the accused persons scattered the household articles.

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. General and omnibus allegation has been made against the appellants. The specific allegation is against appellant Nos. 1, 2 & 5. There is case and counter case between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order



dated 04-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi in Sahiyara P.S. Case No. 108 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Sahiyara P.S. Case No. 108 of 2019.

(Sudhir Singh, J)

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