

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1123 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- NAUTAN District- West Champaran

1. NARAYAN PRASAD Son of Late Gopal Prasad Resident of Village - Lilapatti (Jainagar), P.S.- Nautan, District - West Champaran.
2. Kuadari Devi Wife of Narayan Prasad Resident of Village - Lilapatti (Jainagar), P.S.- Nautan, District - West Champaran.
3. Arvind Prasad Son of Narayan Prasad Resident of Village - Lilapatti (Jainagar), P.S.- Nautan, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Nautan P.S. Case No. 332 of 2019 registered for the offences under Sections 3(1)(r)(f)/3(2)(va) of the SC/ST (POA) Act.

Allegedly, the accused persons fixed TAT on the wall of the informant and the government drain was blocked. On protest, the informant was abused with caste name.

It has been submitted on behalf of the appellants that 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 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 11-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO) Act, Bettiah, West Champaran in Nautan P.S. Case No. 332 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/POCSO) Act, Bettiah, West Champaran in connection with Nautan P.S. Case No. 332 of 2019.

(Sudhir Singh, J)

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