

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1202 of 2020

Arising Out of PS. Case No.-78 Year-2019 Thana- SC/ST District- East Champaran

1. AWADHESH SINGH Son of Hridya Narayan Singh Resident of Village - Vikrampur, Police Station - Dhaka, District - East Champaran.
2. Hridya Narayan Singh Son of Late Anant Singh Resident of Village - Vikrampur, Police Station - Dhaka, District - East Champaran.
3. Sheela Devi Wife of Hari Singh Resident of Village - Vikrampur, Police Station - Dhaka, District - East Champaran.
4. Nirmala Devi Wife of Jokhu Singh Resident of Village - Vikrampur, Police Station - Dhaka, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Sadanand Paswan

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 Special P.P. for the State.

Counsel for the appellants seeks permission to withdraw the present appeal on behalf of the appellants No.1 and 2 as the appellants No.1 and 2 have been taken into judicial custody.

Permission is accorded.



The appeal on behalf of the appellants No.1 and 2 is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the appellants No.3 and 4 in connection with a case registered for the offences under Sections 341, 323 325, 354(B), 379, 504, 506/34 of the Indian Penal Code and Sections 3/4 of Witch Craft Act and Sections 3(1)(r)(s)(y)(w)(i)(zb) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons surrounded the mother-in-law of the informant and abused her and by taking her caste name and they also assaulted her by means of fists and slaps and torn her blouse and also snatched gold ring.

It has been submitted on behalf of the appellants No.3 and 4 that there is no allegation of tampering of witnesses alleged against the appellants No.3 and 4. The appellants No.3 and 4 have falsely been implicated in the present case. The appellants No.3 and 4 are ladies. The alleged occurrence is said to have taken place due to petty reason. No weapon is said to have been used by the appellants No.3 and 4. It is a case and counter case between the parties. The injuries sustained by the appellants have not been explained by the prosecution. The



prosecution has not come with clean hands. 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 No.3 and 4 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 21.01.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari vide A.B.P. No.3898 of 2019 in connection with SC/ST Motihari P.S. case No.78 of 2019, with regard to appellants No.3 and 4, is set aside. The criminal appeal is allowed with regard to appellants No.3 and 4 only.

Accordingly, the appellants No.3 and 4, 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 Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in connection with SC/ST Motihari P.S. case No.78 of 2019.

Narendra/-

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(Sudhir Singh, J)

