

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1152 of 2020

Arising Out of PS. Case No.-392 Year-2019 Thana- DHAKA District- East Champaran

1. AWADHESH SINGH SonHridya Narayan Singh Resident of Village - Vikrampur, P.S.- Dhaka, Dist.- East Champaran.
2. Haridya Narayan Singh Son of Late Anant Singh Resident of Village - Vikrampur, P.S.- Dhaka, Dist.- East Champaran.
3. Dhiraj Singh Son of Awadhesh Singh Resident of Village - Vikrampur, P.S.- Dhaka, Dist.- East Champaran.
4. Jokhu Singh Son of Shiv Mangal Singh Resident of Village - Vikrampur, P.S.- Dhaka, Dist.- East Champaran.
5. Nirmala Devi W/o Jokhu Singh Resident of Village - Vikrampur, P.S.- Dhaka, Dist.- East Champaran.
6. Sheela Devi W/o Hari Singh Resident of Village - Vikrampur, P.S.- Dhaka, Dist.- 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 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 appellants No.1 and 2 is
dismissed as withdrawn.



The matter relates to grant of anticipatory bail to the appellants No.3 to 6 in connection with a case registered for the offences under Sections 147, 148, 149, 448, 341, 323, 324, 427, 325, 354, 379, 307, 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants came at the door of the informant with lathi, danda and abused the informant by taking his caste name and co-accused Hari Singh assaulted the informant by lathi on his hand and the accused persons also assaulted the family members of the informant.

It has been submitted on behalf of the appellants No.3 to 6 that the appellants No.3 and 4 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants No.3 to 6. The appellants No.3 to 6 have falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellants No.3 to 6. Specific allegation is against the co-accused Hari Singh, who is alleged to have assaulted the informant. It is a case and counter case between the parties. The injuries on the side of 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 to 6 are named in the F.I.R.

In view of the aforesaid facts and circumstances, with regard to appellants No.3 to 6 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.3897 of 2019 in connection with Dhaka P.S. case No.392 of 2019, is set aside. The criminal appeal is allowed in respect of appellants No.3 to 6.

Accordingly, the appellants No.3 to 6, 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 Dhaka P.S. case No.392 of 2019.

Narendra/-

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(Sudhir Singh, J)

