

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1182 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. SRIKANT DUBEY @ SRIKANT DUBE Son of Ramayodhya Dubey @ Ayodhya Dubey Resident of Village-Shahpur, P.S.-Mohanpur, District-Gaya.
 2. Nand Kumar Dubey @ Nandu Dubey Son of Subhash Dubey Resident of Village-Shahpur, P.S.-Mohanpur, District-Gaya.
 3. Guddu Dubey Son of Late Rampravesh Dubey Resident of Village-Shahpur, P.S.-Mohanpur, District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramphal Bhuiyan Son of Dasan Bhuiyan Resident of Village-Dhanhari, Post-Lakhaipur, P.S.-Mohanpur, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prince Kumar Mishra
For the Respondent/s : Mrs.Usha Kumari 1

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.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 323, 341, 504 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.



The prosecution case, in short is that the accused persons including the appellants abused the complainant by taking his caste name and they also assaulted him by means of lathi, danda.

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 prosecution has been launched on the basis of complaint case. Complaint case is said to have been filed after 35 days of the alleged occurrence. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. There is admitted land dispute between the parties, which is Annexures 2 and 3 to the present appeal. 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 complaint case.

In view of the aforesaid facts and circumstances, the order dated 25.01.2020, passed by the learned Exclusive Special Judge, SC/ST, Gaya vide A.B.P. No.25 of 2020 in connection



with Complaint case No.30 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, 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 Exclusive Special Judge, SC/ST, Gaya in connection with Complaint case No.30 of 2019.

(Sudhir Singh, J)

Narendra/-

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