

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1225 of 2020

Arising Out of PS. Case No.-22 Year-2019 Thana- SC/ST District- Banka

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1. SAMPUL PANDIT Son of Jhakasu Pandit Resident of Village-Nawada Gopalpur, P.S-Rajaun, District-Banka.
 2. Manoj Pandit Son of Sampul Pandit Resident of Village-Nawada Gopalpur, P.S-Rajaun, District-Banka.
 3. Sunaina Devi Wife of Sampul Pandit Resident of Village-Nawada Gopalpur, P.S-Rajaun, District-Banka.
 4. Mona Kumari @ Meena Kumari D/o Sampul Pandit Resident of Village-Nawada Gopalpur, P.S-Rajaun, District-Banka.
 5. Rubi Devi @ Ruby Devi Wife of Manoj Pandit Resident of Village-Nawada Gopalpur, P.S-Rajaun, District-Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-03-2021 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.

Ref: I.A. No. 01 of 2021

The present interlocutory application has been filed for condonation of delay in filing the instant appeal.

Considering the grounds taken in the application, this interlocutory application is allowed.



The delay in filing the instant appeal is condoned.

Cr. Appeal No. 1225 of 2020

The matter relates to grant of anticipatory bail to the appellants in connection with SC/ST P.S. Case No. 22 of 2019 registered for the offences under Sections 147, 341, 323, 354, 379, 380, 504, 506 of the Indian Penal Code and Section 3(r) of the SC/ST (POA) Act.

Allegedly, while the complainant/informant was at home, the accused persons came and abused in filthy language. On protest, the accused persons assaulted her with fist and slaps.

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. The appellant Nos. 3 to 5 are ladies. No deadly weapon is said to have been used in course of the occurrence. General and omnibus allegation has been made against the appellants. A proceeding under Section 107 Cr.P.C. is pending between the parties. 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 16-09-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Banka in SC/ST P.S. Case No. 22 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 six 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, Banka in connection with SC/ST P.S. Case No. 22 of 2019.

(Sudhir Singh, J)

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