

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1230 of 2020

Arising Out of PS. Case No.-130 Year-2017 Thana- AMBA District- Aurangabad

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RANJIT UPADHYAY @ RANJEET UPADHYAY Son of Naresh Upadhyay
Resident of Gordiha, P.O.- Baliya, P.S.- Amba, District- Aurangabad, Bihar
... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard the parties.

Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellant in connection with Amba P.S. Case No. 130 of 2017 registered for the offences under Sections 147, 148, 149, 341, 323, 379, 421 of the Indian Penal Code and Sections 3(1)(R) (S)3(2)(va) of the SC/ST Act.

The prosecution case in brief is that on 15-10-2017 at about 9 a.m. the appellant and other 15-17 persons came with Bhala, Farsa, Lathi-danda at the house of informant and started destroying his house. On protest made by wife of the informant, the appellant assaulted with butt of Katta on her head and abused taking her caste name. It is further case of the informant that his house was destroyed and Rs. 5000/- & silver chain was



taken by one Bablu Pandey.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to ulterior motive. Butt of the Katta is said to have been used in course of the occurrence. The nature of injury is said to be simple. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. 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 appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 22-01-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Aurangabad in Amba P.S. Case No. 130 of 2017 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 Act, Aurangabad in connection with Amba P.S. Case No. 130 of 2017.

(Sudhir Singh, J)

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