

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2434 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- SC/ST District- Bhagalpur

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1. NAKUL THAKUR Son of Late Jagdish Thakur Resident of Village- Birbanna, P.S.- Antichak, District- Bhagalpur.
 2. Pujo Thakur Son of Nakul Thakur Resident of Village- Birbanna, P.S.- Antichak, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellants started throwing the firewood



of the informant and on protest they assaulted assaulted her and they also abused the informant by taking her caste name.

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. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. After investigation, the police had submitted final form against the appellants. The court below differed with the said police report and had taken cognizance in the matter. The alleged occurrence is said to have taken place on 04.03.2020 and the case was instituted on 13.03.2020. Delay has not been explained by the prosecution. 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 F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.03.2021, passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur vide A.B.P. No.322 of 2021 in connection with Bhagalpur SC/ST P.S.



case No.08 of 2020, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur in connection with Bhagalpur SC/ST P.S. case No.08 of 2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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