

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2486 of 2021**

Arising Out of PS. Case No.-325 Year-2020 Thana- PHULWARIYA District- Gopalganj

1. AKHILANAND SINGH S/o- Late Vishwanath Singh R/o Village- Lakdi Vishunpur, Post- Bathua Bazar, P.S.- Fulwaria, District- Gopalganj.
2. Bablu Kumar Singh S/o- Akhilanand Singh R/o Village- Lakdi Vishunpur, Post- Bathua Bazar, P.S.- Fulwaria, District- Gopalganj.
3. Prashant Kumar @ Prashant Kumar Singh @ Chunchun S/o- Akhilanand Singh R/o Village- Lakdi Vishunpur, Post- Bathua Bazar, P.S.- Fulwaria, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Kumar Maharaj, Advocate
For the Respondent/s : Mr. Sadanand Paswan, 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.

Counsel for the appellants seeks permission to withdraw the present appeal on behalf of appellant No.1, as the appellant No.1 has been taken into judicial custody.

Permission is accorded.

The appeal filed on behalf of appellant No.1 is dismissed as withdrawn.



The matter relates to grant of anticipatory bail to the appellant Nos.2 and 3 in connection with a case registered for the offences under Sections 341, 323, 353, 504/34 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 appellant Nos.2 and 3 entered the school campus and abused the informant by taking his caste name and also assaulted him and destroyed the official record.

It has been submitted on behalf of the appellant Nos.2 and 3 that the appellant Nos.2 and 3 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant Nos.2 and 3. The appellant Nos.2 and 3 have falsely been implicated in the present case. General and omnibus allegation has been made against the appellant Nos.2 and 3. No specific overt act is alleged against the appellant Nos.2 and 3. 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 appellant Nos.2 and 3 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the



order dated 19.02.2021, passed by the learned Additional District & Sessions Judge 1st-cum-Special Judge, SC/ST Act, Gopalganj vide A.B.P. No.61 of 2021 in connection with Fulwaria P.S. case No.325 of 2020, is set aside only for the appellant Nos.2 and 3. The criminal appeal is allowed in part.

Let the appellant Nos.2 and 3, 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 Additional District & Sessions Judge 1st-cum-Special Judge, SC/ST Act, Gopalganj in connection with Fulwaria P.S. case No.325 of 2020.

Once the normalcy is restored, the appellant Nos.2 and 3 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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