

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1253 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- MAJHAULIA District- West Champaran

BALIRAM THAKUR S/o Late Kaval Thakur Resident of Village-
Chailabhar, P.S.- Majhauiliya, District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-02-2021 Heard the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Majhauiliya P.S. Case No. 270 of 2019 registered for the offences under Sections 341, 323, 504, 506, 354, 427 & 34 of the Indian Penal Code and Sections 3(1) (r) of the SC/ST (POA) Act.

Allegedly, while the informant along with his wife was sleeping, the accused persons came at his door and started abusing taking his caste name. It is also alleged that the accused persons assaulted the informant and scattered the foodgrains kept in the house.

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. The appellant is not named in the FIR. His name transpired in this case in course of



investigation. The allegation of assault is alleged against the other co-accused. The appellant itself belongs to SC/ST community. Hence, no offence under the provisions of SC/ST Act is attracted against the appellant.

On behalf of the State, it is submitted that the appellant is not named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 11-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO) Act, Bettiah, West Champaran in Majhauriya P.S. Case No. 270 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO) Act, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 270 of 2019.

(Sudhir Singh, J)

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