

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2654 of 2021

Arising Out of PS. Case No.-97 Year-2018 Thana- KAUWAKOL District- Nawada

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1. AJIT SINGH Son of Kanti Singh Resident of Village- Sarouni, P.S.- Kawakole, District- Nawada.
 2. Sujit Singh Son of Kanti Singh Resident of Village- Sarouni, P.S.- Kawakole, District- Nawada.
 3. Kanti Singh Son of Sukhdeo Singh Resident of Village- Sarouni, P.S.- Kawakole, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-09-2021 Heard learned counsel for the appellants and the State through virtual mode.

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

The matter relates to grant of anticipatory bail to the appellants in connection with Kauwakole P.S. Case No. 97 of 2018 (Special Case No. 75 of 2018) registered for the offences under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (POA) Act.

The prosecution case, in short as disclosed in the written



report of the informant Raj Kumar Rajak, drafted by some unknown scribe is that some days ago due to goats, some dispute and mar-pit took place between the children of both sides. As there was marriage in the family of the informant on 28-04-2018, the matter was settled by the Gram Panchayat, on 07-05-2018, while the informant was going to Kawakole Bazar then all the accused persons including appellants are said to have stopped him, abused and slapped him and threatened to kill.

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. No injury is said to have been caused in course of the occurrence. The present case has been instituted after three days of the alleged occurrence. 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 08-03-2021 passed by learned Additional District &



Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Nawada in Kauwakole P.S. Case No. 97 of 2018 (Special Case No. 75 of 2018) is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/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-Ist, Nawada in Kauwakole P.S. Case No. 97 of 2018 (Special Case No. 75 of 2018).

Once the normalcy is restored, the appellants shall 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)

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