

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2578 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- MALSALAMI District- Patna

1. KRISHAN RANJAN SAO @ KRISHAN RANJAN KUMAR Son of Ramje Prasad R/o - Badi Nagla Bagicha, P.S.- Malsalami, Distt. - Patna.
2. Rajiv Ranjan Sao @ Rajeev Ranjan Kumar Son of Krishan Ranjan Sao @ Krishan Ranjan Kumar R/o - Badi Nagla Bagicha, P.S.- Malsalami, Distt. - Patna.
3. Kanchan Devi Wife of Krishan Ranjan Sao @ Krishan Ranjan Kumar R/o - Badi Nagla Bagicha, P.S.- Malsalami, Distt. - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nityanand Kumar, 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The appeal filed on behalf of appellant No.1 is dismissed as withdrawn.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, 447, 427, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989 and 3/4 Dayan Act.

The prosecution case, in short, is that co-accused Upendra Sharma, Rina Devi and Bittu Kumar always abused the informant and her family members by taking their caste name and appellant No.1 assaulted her. The appellants supported them in quarrel. On 09.02.2021, Co-accused Upendra Sharma and appellant Rajiv Ranjan broken the C.C.T.V. camera of the informant.

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. No specific overt act is alleged against the appellant Nos.2 and 3. The case was instituted after five days of the alleged occurrence. 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 12.03.2021, passed by the learned A.D.J. III-cum-Special Judge, SC/ST, Patna vide A.B.P. No.1966 of 2021 in connection with Malsalami P.S. case No.63/21 (Spl. Case No.53/21), is set aside with regard to 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 A.D.J. III-cum-Special Judge, SC/ST, Patna in connection with Malsalami P.S. case No.63/21 (Spl. Case No.53/21).

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.

Narendra/-

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(Sudhir Singh, J)

