

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2432 of 2021

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Sheikhpura

1. ANANDI BIND Son of Tota Bind Resident of Village - Bishahiya (Sanaiya), P.S.- Ariari, District - Sheikhpura
2. Siya Saran Bind Son of Sambal Bind Resident of Village - Bishahiya (Sanaiya), P.S.- Ariari, District - Sheikhpura
3. Badlu Bind @ Badlu Kumar Bind Son of Yogendra Bind Resident of Village - Bishahiya (Sanaiya), P.S.- Ariari, District - Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj 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.

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No.03 of 2020.

Considering the submissions made on behalf of the learned counsel for the appellants, the limitation, as pointed out



by the office, is condoned.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 147, 341, 323, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(S), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants came with lathi, danda, rod and started abusing the informant by taking his caste name and also assaulted him and other villagers and threatened.

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 against the appellants. The alleged occurrence is said to have taken place on 26.05.2018 and the case was instituted on 05.06.2018. Delay has not been explained by the prosecution. Other co-accused persons have been granted anticipatory bail vide Annexure 3 and 3/1 to the present appeal. 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 14.03.2019, passed by the learned 1st A.D.J., Sheikhpura vide A.B.P. No.158 of 2019 in connection with SC/ST case No.93/2018 arising out of Sheikhpura SC/ST P.S. case No.27/2018, 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 1st A.D.J., Sheikhpura in connection with SC/ST case No.93/2018 arising out of Sheikhpura SC/ST P.S. case No.27/2018.

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.

Narendra/-

(Sudhir Singh, J)

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