

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2583 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- NARHATT District- Nawada

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1. VINAY SINGH Son of Ramlakhan Singh Resident of Village - Khanwan, P.S.- Narhat, District - Nawada.
 2. Shailendra Prasad Singh @ Sankar Singh Son of Late Keshav Singh Resident of Village - Khanwan, P.S.- Narhat, District - Nawada.
 3. Rupak Kumar Son of Vinay Singh Resident of Village - Khanwan, P.S.- Narhat, District - Nawada.
 4. Janmjay Singh Son of Ramlakhan Singh Resident of Village - Khanwan, P.S.- Narhat, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-07-2021 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.

At the very outset, learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant No. 2 namely Shailendra Prasad Singh @ Shankar Singh as during pendency of this application, he has been taken into judicial custody.



Permission is granted.

Accordingly, this appeal with regard to appellant No. 2 namely Shailendra Prasad Singh @ Shankar Singh is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the appellant Nos. 1, 3 & 4 in connection with Special Case No. 08 of 2021 arising out of Narhat P.S. Case No. 10 of 2021 registered for the offences under Sections 341, 323, 324, 307, 353, 379, 427, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, while the informant with other police personnel proceeded and reached at the house of Deepak Kumar at village Khanwan to arrest said accused Deepak Kumar, wanted in a case, the family members of Deepak Kumar tried to snatch arms of the informant party. It is further alleged that the accused persons taking caste name of the informant, started brick batting. Cash Rs. 2400/- was also snatched away.

It has been submitted on behalf of the appellant Nos. 1, 3 & 4 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. The Nos. 1, 3 & 4 have falsely been implicated in the present case. General and omnibus allegation has been made against the



accused persons. No specific overt act is alleged against the appellant Nos. 1, 3 & 4. 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 appellant Nos. 1, 3 & 4 are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 25-03-2021 passed by learned Special Judge-cum-Ist Additional District & Sessions Judge, Nawada in Narhat P.S. Case No. 10 of 2021 (SC/ST Case No. 08 of 2021) is set aside with regard to the appellant Nos. 1, 3 & 4. The present Criminal Appeal is *allowed* with regard to the appellant Nos. 1, 3 & 4 only.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the appellant Nos. 1, 3 & 4, 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 Special Judge-cum-Ist Additional District & Sessions Judge, Nawada in connection with Special Case No. 08 of 2021 arising out of Narhat P.S. Case No. 10 of 2021.

Once the normalcy is restored, the appellant Nos. 1, 3



& 4 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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