

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2591 of 2021

Arising Out of PS. Case No.-298 Year-2020 Thana- GARKHA District- Saran

1. ANKIT KUMAR SHARMA SON OF SHAILENDRA KUMAR SHARMA
Resident of Village - P.no.33, Lalpura Colony, Vanasthali Marg, Near Sindhi,
Camp Bus Stand, Jaipur (Rajasthan), Pin Code - 302001
2. Shailendra Kumar Sharma @ Shailendra Son of Srikant Sharma Resident of
Village - P.no.33, Lalpura Colony, Vanasthali Marg, Near Sindhi, Camp Bus
Stand, Jaipur (Rajasthan), Pin Code - 302001
3. Abhinash Kumar Sharma @ Abhinash Son of Shailendra Kumar Sharma
Resident of Village - P.no.33, Lalpura Colony, Vanasthali Marg, Near Sindhi,
Camp Bus Stand, Jaipur (Rajasthan), Pin Code - 302001
4. Shalini Kumar Sharma @ Shalini W/O Manish Kumar , D/o Shailendra
Kumar Sharma. Resident of Village - P.no.33, Lalpura Colony, Vanasthali
Marg, Near Sindhi, Camp Bus Stand, Jaipur (Rajasthan), Pin Code - 302001

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanchay Srivastava, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2021 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.

The matter relates to grant of anticipatory bail to the
appellants in connection with a case registered for the offences
under Sections 341, 323, 354, 504, 506 and 34) of the Indian
Penal Code and Sections 3(1)(s)(w) and 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 abused the informant by taking her caste name and the appellants caught hold of the hair and sari of the informant and assaulted her by means of fists and legs, due to which the informant became half naked and when the husband of the informant came to rescue then the accused persons also assaulted him.

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. The alleged occurrence is said to have taken place on 29.06.2020 and the present case has been instituted on 03.07.2020. The delay has not been explained by the prosecution. Appellant No.4 is a lady. 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 17.03.2021 and modified dated 22.03.2021, passed



by the learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Saran at Chapra vide A.B.P. No.510 of 2021 in connection with Garkha P.S. case No.298 of 2020, 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 Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Garkha P.S. case No.298 of 2020.

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.

(Sudhir Singh, J)

Narendra/-

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