

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2649 of 2021

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Saran

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1. KANTI KUWAR Wife of Late Bhagirath Singh Resident of Village - Murwa Arajee, P.S. Isuapur, District - Saran.
 2. Ravi Ranjan Singh Son of Late Bhagirath Singh Resident of Village - Murwa Arajee, P.S. Isuapur, District - Saran.
 3. Chandeshwar Singh Son of Late Ram Bilash Singh Resident of Village - Murwa Arajee, P.S. Isuapur, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2021 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 Saran SC/ST P.S. Case No. 04 of 2019 registered for the offences under Sections 147, 323/34 of the Indian Penal Code and Sections 3(1)(M)(R)(S) of the SC/ST (POA) Act.

Allegedly, while the informant along with her workers



was in the process of hearing and solving the problem of local people, the accused persons having armed with lathi, danda and pistol came there and tried to demolish the Palani and in consequence thereof, the accused persons started abusing the informant and demanded ransom of Rs. 2,00,000/-

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. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The appellant No. 1 is a lady. 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 20-03-2021 passed by learned Additional District & Sessions Judge-Special Judge, SC/ST (POA) Act, Saran, Chapra



in Saran SC/ST (POA) Case No. 04 of 2019 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-Special Judge, SC/ST (POA) Act, Saran, Chapra in Saran SC/ST (POA) Case No. 04 of 2019.

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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