

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2596 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- SC/ST District- Darbhanga

1. RAVI KUMAR THAKUR Son of Late Mantoon Thakur @ Late Mantu Thakur Resident of Village - Bajitpur, P.S. - Town, District - Darbhanga.
2. Ranjan Kumar @ Ravi Ranjan Thakur @ Chhotu Son of Late Mantoon Thakur @ Late Mantu Thakur Resident of Village - Bajitpur, P.S. - Town, District - Darbhanga.
3. Sonu Kumar Sahni @ Sonu Kumar Son of Kailash Sahni @ Bulla Sahni Resident of Village - Bajitpur, P.S. - Town, District - Darbhanga.
4. Golu Kumar @ Golu Kumar Sahni Son of Kailash Sahni @ Bulla Sahni Resident of Village - Bajitpur, P.S. - Town, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Girish Chandra Jha, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-09-2021 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, 325, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r)/3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.



The prosecution case, in short, is that the appellants came with deadly weapons and abused the informant by taking his caste name. On the order of co-accused Mantun Thakur, appellant No.2 assaulted on the right leg of the informant with iron rod and caused fracture injury, due to which he fell down on the ground. Appellant No.1 assaulted the informant on his back with lathi and appellant Nos.3 and 4 assaulted on the chest of the informant by leg and pressed the neck.

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. No grievous injury is said to have been caused in course of occurrence. There is a proceeding under Section 144 Cr.P.C. pending between the parties. 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 09.03.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POA Act), Darbhanga in



connection with SC/ST P.S. case No.31 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 1st Additional Sessions Judge-cum-Special Judge (POA Act), Darbhanga in connection with SC/ST P.S. case No.31 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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