

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2669 of 2021**

Arising Out of PS. Case No.-80 Year-2019 Thana- TIKAPATTI District- Purnia

Shobhi Mahaldar @ Sobhi Mahaldar, aged about 36 years, Gender-Male, S/o Late Kulo Mahaldar, Resident of Village- Harnaha, P.S.- Tikapatti, District- Purnea.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Bijendra Kumar Singh, Advocate.
For the Respondent : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-09-2021 Heard learned counsel for the appellant and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to remove the defects, 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 appellant in A.B.P. No. 36 of 2021/C.I.S. No. 36/2021 in connection with Spl. Case No. 74 of 2019, arising out of Tikapatti P.S. Case No. 80 of 2019, registered for the offences under Sections 341, 323, 504, 506 of the I.P.C. and 3(1)(c) of the SC/ST Act.

The prosecution case, in short, is that on 04.07.2019 at about 2.00 O'clock in the afternoon, the son of the informant



alongwith his friend and the daughter of Shobhi Mahaldar (appellant) was playing. In the meantime, they quarreled with each other on some matter. Thereafter, Shobhi Mahaldar (appellant) assaulted with *Batti* of the *Bamboo* on the back and hand of the son of the informant for which spot came out. The informant tried to hold *Panchayati* but the appellant did not accept rather he threatened to see him.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. The alleged occurrence has taken place due to free fight between the children of the parties. No grievous injury is said to have been caused in course of occurrence. The alleged occurrence is said to have taken place on 04.07.2019 as to when the case was instituted on 07.07.2019. Delay has not been explained by the prosecution. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the



order dated 07.04.2021, passed in A.B.P. No. 36 of 2021/C.I.S. No. 36 of 2021 in connection with Spl. Case No. 74 of 2019, arising out of Tikapatti P.S. Case No. 80 of 2019 by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Purnea, is set aside. The criminal appeal is allowed.

Let the appellant 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 his personal bond to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Purnea, in connection with Spl. Case No. 74 of 2019, arising out of Tikapatti P.S. Case No. 80 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only 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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