

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2686 of 2021

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Sheikhpura

Nagina Bind (Male), aged about 40 years, S/O Late Tetar Bind, R/O Village-Bishahiya (Sanaiya), P.S.-Ariari, District-Sheikhpura.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Pankaj Kumar, Advocate.
For the Respondent : Mr. Binay Krishna, 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 connection with SC/ST Case No. 93/2018, arising out of Sheikhpura SC/ST P.S. Case No. 27/2018, registered for the offences under Sections 147, 341, 323, 504, 506 of the I.P.C. and 3(i)(r)(s), 3(2) (va) of the SC/ST Act.

The prosecution case, in short, is that on 26.05.2018 at about 9.30 P.M., the informant Subelal Paswan was enjoying Circus with full family members in Bishahiya Tola, in the meantime, the appellant and others came with *Lathi, Danda,*



Rod and started abusing him. They also assaulted him and other villagers and threatened to shoot out by saying his caste name.

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. General and omnibus allegation has been made against him. No specific overt act is alleged against him. No grievous injury is said to have been caused in course of occurrence. 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 26.03.2021, passed in A.B.P. No. 250/2021 in connection with SC/ST Case No. 93/2018, arising out of Sheikhpura SC/ST P.S. Case No. 27/2018 by Ist A.D.J. Sheikhpura, 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 A.D.J.



Sheikhpura, in connection with SC/ST Case No. 93/2018,
arising out of Sheikhpura SC/ST P.S. Case No. 27/2018.

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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