

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2687 of 2021

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

1. Prakash Bind, aged about 47 years (Male), Son of Sohray Bind, resident of Village- Bishahiya (Sanaiya), P.S. Ariari, District-Sheikhpura.
2. Chhotan Bind, aged about 45 years (Male), Son of Sohray Bind, resident of Village- Bishahiya (Sanaiya), P.S. Ariari, District- Sheikhpura.
3. Vipin Kumar, aged about 21 years (Male), Son of Suresh Bind, resident of Village- Bishahiya (Sanaiya), P.S. Ariari, District- Sheikhpura.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	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 appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.

Considering the submissions made on behalf of learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

Learned counsel for the appellants 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, except defect no. 12 i.e., limitation petition is required.

The matter relates to grant of anticipatory bail to the appellants 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 appellants 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 appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. General and omnibus allegation has been made against them. No specific overt act is alleged against them. 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 appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 14.03.2019, passed in A.B.P. No. 364/2018 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 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 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 appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each 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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