

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2925 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- SC/ST District- Jehanabad

1. NITISH RANJAN KUMAR @ NITESH RANJAN KUMAR Son of Chitranjan Sharma Resident of Village - Pahadpura, P.S. - Karpi, District - Arwal.
2. NIRBHAY RANJAN KUMAR Son of Chitranjan Sharma Resident of Village - Pahadpura, P.S. - Karpi, District - Arwal.
3. GONU KUMAR @ KESHAV KUMAR Son of Subodh Sharma Resident of Village - Pahadpura, P.S. - Karpi, District - Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Prakritita Sharma, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Supplementary affidavit has been filed on behalf of the appellants for correcting the name of appellant No.3 as the actual name of appellant No.3 is Keshav Kumar and his alias name is Gonu Kumar and, therefore, the name of appellant No.3 be corrected as Gonu Kumar @ Keshav Kumar, Son of Subodh Sharma in the cause title of the present criminal appeal. Same be



kept on the record.

Learned counsel for the appellants is permitted to make necessary correction in the name of appellant No.3 as Gonu Kumar @ Keshav Kumar, Son of Subodh Sharma in the cause title of the present criminal appeal.

Further, 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 the learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

The appellants have challenged the order dated 02.02.2021 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Arwal SC/ST P.S. case No.16/2020 registered for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the accused persons including the petitioners abused the informant by taking



his caste name and they assaulted the informant by means of fists and slaps.

It has been submitted on behalf of the appellants that the appellant Nos.1 and 2 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. Due to land dispute, the alleged occurrence is said to have taken place. 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.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 02.02.2021 passed by the learned 1st Additional Sessions Judge, Jehanabad vide A.B.P. No.1390/2020 in connection with Arwal SC/ST P.S. case No.16/2020, by which the anticipatory bail of the appellants was rejected.

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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction of
learned 1st Additional Sessions Judge, Jehanabad in connection
with Arwal SC/ST P.S. case No.16/2020.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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