

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1853 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- SAMASTIPUR MUFFASIL District-Samastipur

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1. Chandradeo Prasad Ray @ Chandradeo Prasad Sharma @ Guddu Sharma, aged about 45 years, Male, S/o Late Shiv Kumar Ray, Resident of Village-Punas, Police Station-Muffasil, District-Samastipur.
 2. Kundan Kumar Ray, aged about 32 years, Male, S/o Ashok Kumar Ray, Resident of Village-Punas, Police Station-Muffasil, District-Samastipur.
 3. Dilip Kumar Ray, aged about 47 years, Male, S/o Late Tej Ray, Resident of Village-Punas, Police Station-Muffasil, District-Samastipur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellants	:	M/S. Niranjan Kumar and Ravi Raj, Advocates.
For the State	:	Mrs. Usha Kumari No. 1, Spl. P.P.
For the Informant	:	M/S. Abhay Shankar Singh and Barun Kumar Singh, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2021 It has been submitted by learned counsel for the appellants that the present Criminal Appeal was filed on 30.08.2020 but the Stamp Reporter has wrongly pointed out that the present Criminal Appeal has been filed on 23.09.2020. The same is apparent from the e-Filing History, submitted by the appellants.

In the said situation, the present Criminal Appeal is not barred by limitation. The defect no. 7, as pointed out by the Stamp Reporter, is ignored.

Learned counsel for the appellants is directed to



remove the remaining defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Muffasil P.S. Case No. 130 of 2020, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the I.P.C. and Sections 3(i)(r)(s) of the SC/ST (POA) Act.

The prosecution case, in short, is that the accused persons including the appellants came at the door of the informant and starting abusing by saying his caste name. On protest, they assaulted with *Farsa* on his head, as a result of which, he became unconscious.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. The Specific allegation of assault is against co-accused Dheeraj Kumar. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is attracted in the present case.



On behalf of the State and informant, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 17.06.2020, passed by learned Additional District and Sessions Judge-Ist, Samastipur in connection with Muffasil P.S. Case No. 130 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-Ist, Samastipur, in connection with Muffasil P.S. Case No. 130 of 2020.

(Sudhir Singh, J)

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