

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3055 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- BAHADURPUR District- Darbhanga

BHAWANI SINGH SON OF TEJ NARAYAN SINGH Resident of Village -
and Post.- Ojhol, P.s.- Bahadurpur, Distt.- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-10-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The appellant has challenged the order dated
15.06.2021 passed by learned 1st Additional Sessions Judge
-cum- Special Judge (POA Act), Darbhanga in ABP No. 688 of
2021 in connection with Bahadurpur P.S. Case No. 30/2021
registered for the offences under sections 341, 323, 324, 506,
148, 149 of the Indian Penal Code, 27 of the Arms Act and 3(1)
(r), 3(1)(s) of SC/ST Act whereby the prayer made on behalf of
the appellant for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused



persons, in drunken state, demanded rangdari of Rs. 5 lakhs from the friend of the informant and further they entered into the house of the informant and assaulted the informant and also abused by taking his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. The appellant has falsely been implicated in the present case. The alleged occurrence has taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 15.06.2021 passed by learned 1st Additional Sessions Judge -cum- Special Judge (POA Act), Darbhanga in ABP No. 688 of 2021 in connection with Bahadurpur P.S. Case No. 30/2021, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of



arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge (POA Act), Darbhanga in connection with Bahadurpur P.S. Case No. 30/2021.

(Sudhir Singh, J)

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