

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3238 of 2021

Arising Out of PS. Case No.-188 Year-2014 Thana- MADHEPUR District- Madhubani

DEVENDRA THAKUR Son of Digamber Thakur Resident of Village -
Bhakharain, P.S.- Madhepur, Dist.- Mahdubani.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

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

Learned counsel for the appellant 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 appellant, the limitation, as pointed out by the office, is condoned.

The appellant has challenged the order dated 25.03.2021 passed by learned 1st Additional Sessions Judge,



Madhubani in connection with Madhepur P.S. case No.188/2014 corresponding to G.R. No.1884/2014 registered for the offences under Sections 143, 448, 341, 323, 354, 504, 506, 380, 427 of the Indian Penal Code and Sections 3(i)(x)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the accused persons along with unknown persons abused the informant by taking her caste name and also assaulted her and her family members.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The appellant is not named in the F.I.R. General and omnibus allegation has been made. No specific overt act is alleged against the appellant. 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 appellant is not named in the F.I.R.



Considering the aforesaid facts and circumstances, the order dated 25.03.2021, passed by the learned 1st Additional Sessions Judge, Madhubani vide A.B.P. No.1311 of 2020 in connection with Madhepur P.S. case No.188/2014 corresponding to G.R. No.1884/2014, is set aside.

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 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, Madhubani in connection with Madhepur P.S. case No.188/2014 corresponding to G.R. No.1884/2014.

The criminal appeal stands allowed.

(Sudhir Singh, J)

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