

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.839 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- MANER District- Patna

1. KASI NATH @ KOSHI YADAV @ KOPI YADAV Son of Late Daroga Ray R/o Village- Mahinawan Bagicha, Maner, P.S.- Maner, District- Patna.
2. Rahul Kumar Son of Rajendra Ray @ Rajendra Yadav R/o Village- Mahinawan Bagicha, Maner, P.S.- Maner, District- Patna.
3. Jitendra Kumar Son of Uma Yadav R/o Village- Mahinawan Bagicha, Maner, P.S.- Maner, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-05-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

At the outset, learned counsel for the appellants submits that during pendency of this appeal, the appellant No. 2 has been taken into judicial custody and hence this appeal as against the appellant No. 2 has become infructuous.

Accordingly, this appeal with regard to appellant No. 2 is dismissed as withdrawn being infructuous.

Now learned counsel moves this appeal with regard to



appellant Nos. 1 and 3 only.

The matter relates to grant of anticipatory bail to the appellant Nos. 1 and 3 in connection with Special Case No. 195 of 2020 arising out of Maner P.S. Case No. 212 of 2020 registered for the offences under Sections 341, 323, 3307, 504, 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

Allegedly, the accused persons came at the house of informant and assaulted him, as a result of which, he sustained head injury.

It is submitted on behalf of the appellant Nos. 1 & 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have falsely been implicated in the present case. General and omnibus allegation has been made against them. No specific overt act is alleged against them. No weapon is said to have been used in course of the occurrence. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant Nos. 1 & 3 are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 21-08-2020 passed by learned Special Judge, SC/ST Act, Patna in Special Case No. 195 of 2020 arising out of Maner P.S. Case No. 212 of 2020 is set aside with respect to the appellant Nos. 1 and 3



only. Accordingly, the present Criminal Appeal is *allowed* with respect to the appellant Nos. 1 and 3 only.

Let the appellant Nos. 1 and 3, 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 their personal bond to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 195 of 2020 arising out of Maner P.S. Case No. 212 of 2020.

Once the normalcy is restored, the appellant Nos. 1 and 3 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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