

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2075 of 2020

Arising Out of PS. Case No.-332 Year-2020 Thana- BAKHARI District- Begusarai

MD. SHAMS TABREJ S/o Md. Late Hanif Resident of Ward No. 2, Habib
Rampur Pathan Tol, Bakhri, P.S.- Bakrhi, Distt.- Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Jha
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the appellant and the State
through virtual mode.

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

The matter relates to grant of anticipatory bail to the
appellant in connection with Bakhari P.S. Case No. 332 of 2020
registered for the offences under Sections 353, 504, 506 of the
Indian Penal Code and Sections 3(2)(va) of the SC/ST (POA)
Act.

The prosecution case in brief is that one Rajesh
Kumar Paswan lodged an FIR stating therein that on 13-08-
2020, when he was in his office, then accused persons came and
abused and threatened him to lodge false case against him.



It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellant has been made accused in the present case due to political reason. The informant happens to be Executive Officer of Nagar Panchayat. The wife of the appellant is a ward member. The wife of the appellant had made a complaint against the informant of this case and in retaliation of the same, the present case has been instituted. The complaint filed by the wife of appellant is annexures- 2 & 3 to the present appeal. 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 is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 10-09-2020 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in Bakhari P.S. Case No. 332 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Bakhari P.S. Case No. 332 of 2020.

(Sudhir Singh, J)

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