

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.239 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- BHORE District- Gopalganj

1. MEERA DEVI W/O Bhagwan Singh Resident of Village - Bankata Khas, P.S. - Bhorey, District - Gopalganj.
2. Tetari Devi W/O Ramanand Singh Resident of Village - Bankata Khas, P.S. - Bhorey, District - Gopalganj.
3. Ramanand Singh S/o Late Nand Kishore Singh Resident of Village - Bankata Khas, P.S. - Bhorey, District - Gopalganj.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr.Suresh Prasad Bhakta, Advocate
For the State	:	Mr.Sadanand Paswan, Spl. P.P.
For the informant	:	Mrs. Prem Sheela Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2021 Heard learned counsel for the appellants, learned Spl. P.P. for the State and learned counsel for the informant through virtual mode.

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

Counsel for the appellants seeks permission to withdraw the present appeal on behalf of the appellant No.3, as the appellant No.3 has been taken into judicial custody.

Permission is accorded.

The appeal filed on behalf of the appellant No.3 is



dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the appellant Nos.1 and 2 in connection with a case registered for the offences under Sections 147, 341, 323, 308, 354, 504, 379 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellant Nos. 1 and 2 having armed with iron rod and lathi came and abused the informant by taking her caste name and on protest, co-accused Bhagwan Singh dashed the informant on the ground and disrobed her by tearing her clothes. When Diyadin of the informant, namely, Kamlawati Devi came to save her, co-accused Bhagwan Singh assaulted her with iron rod, due to which she sustained injury and fell down on the ground.

It has been submitted on behalf of the appellant Nos.1 and 2 that the appellant Nos.1 and 2 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant Nos.1 and 2. The appellant Nos.1 and 2 have falsely been implicated in the present case. General and omnibus allegation has been made. No specific allegation of assault alleged against the appellant Nos.1 and 2. Specific



allegation of assault is alleged against the co-accused Bhagwan Singh. It is a case and counter case between the parties. The injuries on the side of the appellant Nos.1 and 2 have not been explained by the prosecution. The prosecution has not come with clean hands. The present case has been instituted after two days of the alleged occurrence. Delay has not been explained by the prosecution. 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 and learned counsel for the informant, it is submitted that the appellant Nos.1 and 2 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 16.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj vide A.B.P. No.1018 of 2020 in connection with Bhore P.S. case No.127/2020, is set aside only for the appellant Nos.1 and 2. The criminal appeal is allowed.

Let the appellant Nos.1 and 2, 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 their personal bond to the satisfaction of



learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST
Act, Gopalganj in connection with Bhore P.S. case
No.127/2020.

Once the normalcy is restored, the appellant Nos.1
and 2 will 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)

Narendra/-

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