

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.426 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. Pawan Thakur @ Pavan Kumar (Male), aged about 24 years, Son of Surendra Thakur, Resident of Village- Majrohan, Police Station- Mahindrawara, District - Sitamarhi.
2. Ranjan Thakur @ Ranjan Kumar, (Male), aged about 23 years, Son of Bharti Thakur, Resident of Village- Majrohan, Police Station - Mahindrawara, District - Sitamarhi.
3. Rohan Thakur @ Rohan Kumar (Male), aged about 17 years, Son of Surendra Thakur Resident of Village- Majrohan, Police Station - Mahindrawara, District - Sitamarhi.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants	:	Mr. Shiva Shankar Sharma, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Mahindrawara P.S. Case No. 68/2020, registered for the offences under Sections 341, 323, 504, 506/34 of the I.P.C. and 3(i)(x) of the SC/ST Act.

The prosecution case, in short, is that on 03.06.2020



at 6.00 P.M., children were quarreling at the door of the informant and several persons were assembled there. The informant came there and tried to pacify the matter. On which, F.I.R. named accused persons abused him by saying his caste name and also assaulted him and his family members. On hulla, villagers came there and accused persons fled away. Then injured persons came to S.K.M.C.H., Muzaffarpur for treatment.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The case has been instituted after seven days of the occurrence. Delay has not been explained by the prosecution. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 10.09.2020, passed in A.B.P. No. 930/20/137/20 in



connection with Mahindrawara P.S. Case No. 68/20 by learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi, is set aside. The criminal appeal is allowed.

Accordingly, the appellants 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/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi, in connection with Mahindrawara P.S. Case No. 68/20.

(Sudhir Singh, J)

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