

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3595 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- BAIRIYA District- West Champaran

1. NAZIR GADDI S/o Harun Gaddi Resident of Bagahi, Tamoliya Tola, P.S.-
Bairiya, District- West Champaran
2. MUNNA GADDI S/o Sharif Gaddi Resident of Bagahi, Tamoliya Tola, P.S.-
Bairiya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2021 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 eight weeks.

The appellants have challenged the order dated 15-07-
2021 passed by learned Ist Additional Sessions Judge-cum-
Special Judge, SC/ST Act, Bettiah, West Champaran in
connection with Bairiya P.S. Case No. 122 of 2021 registered
for the offences under Sections-341, 323, 324, 504, 34 of the
Indian Penal Code and Section-3(i)(r)(v) of SC & ST
(Prevention of Atrocities) Act, 2015 whereby the prayer made



on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that in the evening, the accused persons came at the house of the informant and started abusing. On protest, the accused persons stepped her down on the earth and started assaulting.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The nature of injury is said to be simple. The matter has already been compromised between the parties vide Annexure-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 appellants are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 15-07-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 122 of 2021 by which the anticipatory bail of the



appellants was rejected.

Accordingly, the order dated 15-07-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 122 of 2021 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, 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 furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in Bairiya P.S. Case No. 122 of 2021.

(Sudhir Singh, J)

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