

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.381 of 2021

Arising Out of PS. Case No.-231 Year-2019 Thana- BANIAPUR District- Saran

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PRADEEP RAM Son of Vinayak Ram Resident of Village- Pithauri, P.S.-
Baniyapur, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shakil Ahmad Khan
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and the State
through virtual mode.

The matter relates to grant of anticipatory bail to the
appellant in connection with Baniyapur P.S. Case No. 231 of
2019 registered for the offences under Sections 147,148, 149,
323, 302, 504, 506/34 of the Indian Penal Code and Sections
3(1)(s) of the SC/ST Act.

Prosecution case is that on the allegation of theft of cattle,
the villagers assaulted the informant's brother Naushad Alam,
and two others with rod, Danda, Farsa and Lathi, as a result of
which, all three persons succumbed to the injuries.

It has been submitted on behalf of the appellant that the
appellant has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the appellant. The



appellant has falsely been implicated in the present case. The appellant is not named in the FIR. The name of the appellant has transpired in this case in course of investigation. Altogether 8 persons along with 50-100 unknown persons are named in the FIR. No specific overt act is alleged against the appellant. The informant is not an eye witness to the alleged 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 is not named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 20-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Saran in Baniyapur P.S. Case No. 231 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, 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 his personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Saran in Baniyapur P.S. Case No. 231 of 2019.



Once the normalcy is restored, the appellant 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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