

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.206 of 2021

Arising Out of PS. Case No.-1615 Year-2019 Thana- COMPLAINT CASE District- Jamui

1. PAPPU MIAN @ SHAH ISLAM S/o Late Badre Alam Resident of Village-Chakravarti by land Mohalla Budha, P.S.-Asansol, District-Paxchim Burdwan.
2. Shah Alam S/o Late Badre Alam Resident of Village-Chakravarti by land Mohalla Budha, P.S.-Asansol, District-Paxchim Burdwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.

Considering the submissions made on behalf of learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

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



The appellants have challenged the order dated 19.02.2020 passed by learned 1st Additional Sessions Judge, Jamui in ABP No. 270/20 in connection with SC/ST Case No. 193/2019 (Complaint Case No. 1651C/2019) registered for the offences under sections 323, 341, 504 of the Indian Penal Code and 3(i)(r) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons assaulted the complainant with fists and slaps and also abused by taking his caste name.

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. No deadly weapon is said to have been used in course of the occurrence. No grievous injury is said to have been caused to the victim. Due to previous enmity, the occurrence is said to have taken place. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the



appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 19.02.2020 passed by learned 1st Additional Sessions Judge, Jamui in ABP No. 270/20 in connection with SC/ST Case No. 193/2019 (Complaint Case No. 1651C/2019), is set aside.

The appeal stands 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 their personal bonds to the satisfaction of learned 1st Additional Sessions Judge, Jamui in connection with SC/ST Case No. 193/2019 (Complaint Case No. 1651C/2019).

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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.

Pankaj/-

(Sudhir Singh, J)

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