

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.374 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- JOGAPATTI District- West Champaran

1. Shambhu Sah Son Of Late Tulashi Sah Resident Of Village-Nawalpur, Police Station-Yogapatti (NAWALPUR), District-West Champaran.
2. Sundari Devi @ Sunuri Devi W/O Shambhu Sah Resident Of Village-Nawalpur, Police Station-Yogapatti (NAWALPUR), District-West Champaran.
3. Deepu Sah S/O Shambhu Sah Resident Of Village-Nawalpur, Police Station-Yogapatti (NAWALPUR), District-West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.A.G

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 defect(s), 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 a case registered for the offences
under Sections 341, 323, 504/34 of the Indian Penal Code and
Section 3(i)(r) of the SC/ST (Prevention of Atrocities) Act,
1989.

The prosecution case, in short, is that the appellant



No.3 pushed the informant on the ground and assaulted him with fist and slap and the appellants also abused the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made. For a petty dispute, the alleged occurrence is said to have taken place. 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, it is submitted that the appellants are named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 07.09.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District West Champaran vide A.B.P. No.855 of 2020 in connection with Yogapatti Nawalpur P.S. case No.70 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District West Champaran in connection with Yogapatti Nawalpur P.S. case No.70 of 2020.

(Sudhir Singh, J)

Narendra/-

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