

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.240 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- DHARHARA District- Munger

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1. PRITAM KUMAR @ PRITAM KUMAR SAH Son of Late Shankar Sah Resident of Village - Mangarh, P.S.- Dharahra, Distt.- Munger.
 2. Rahul Kumar Son of Late Shankar Sah Resident of Village - Mangarh, P.S.- Dharahra, Distt.- Munger.
 3. Lalu Kumar Son of Shankar Sah Resident of Village - Mangarh, P.S.- Dharahra, Distt.- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi W/o Manohar Choudhary Resident of Village - Mangarh, P.S.- Dharahra, Distt.- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar
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 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 after restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Dharhara P.S. Case No. 146 of 2020 registered for the offences under Sections 341, 323, 427, 504, 506, 509/34 of the Indian Penal Code and Sections 3(1)(r) (s) of the SC/ST Act.



Allegation against the appellants is of abusing the informant taking caste name and also of beating her and her son.

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 grievous injury is said to have been caused in course of the occurrence. The case has been instituted after three days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. 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.

In view of the aforesaid facts and circumstances, the order dated 06-09-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Munger in Dharhara P.S. Case No. 146 of 2020 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 their personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Munger in Dharhara P.S. Case No. 146 of 2020.

Once the normalcy is restored, the appellants 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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