

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.414 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- KASBA District- Purnia

1. Ranveer Kumar @ Chhotu Kumar, aged about 19 years (Male), Son of Binod Mahto, Resident of Village - Taranagar Kulla Khas, P.S.- Kasba, District – Purnea.
2. Akhilesh Kumar @ Appu Mahto, aged about 20 years (Male), Son of Hare Ram Mahto, Resident of Village - Taranagar Kulla Khas, P.S.- Kasba, District – Purnea.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Ajit Kumar Singh, Advocate.
For the Respondent	:	Mr. Spl. P.P.

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 defects, 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 Kasba P.S. Case No. 67/20, registered for the offences under Sections 341, 354(B), 379, 504/34 of the I.P.C. and 3(2)(va), 3(1)(r)(s) and 3(a)(w) of the SC/ST Act.

The prosecution case, in short, is that on 02.06.2020 at about 9.00 P.M., the daughter of the informant fell from the



bed and got injured. She took her to doctor and her Gotani Pratima Devi was along with her. The doctor was not present in his house. So, they returned back. While returning, near Pipal tree, Chhotu Kumar, Appu Mahto and Suraj Mahto were present and started teasing and abusing in offensive language. The informant protested them. On which, Chhotu Kumar abused with caste related word and stated that he will commit rape. After that he tried to lift her in lap and held her breast. He torn her cloth also. On hulla, villagers came there, accused while fleeing snatched her golden chain.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. From perusal of Annexure-2, it is evident that there was agreement for sale in respect of a piece of land. Subsequently, the informant denied to execute the land in question. Appellants protested against such act of the informant. By the informant, with an intention to falsely implicate the appellants, the present F.I.R. has been instituted. The present F.I.R. has been instituted after two days of the alleged occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under



SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 08.09.2020, passed in A.B.P. No. 26/2020 in connection with Kasba P.S. Case No. 67/20 by learned Ist Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Purnea, is set aside. The criminal appeal is allowed.

Accordingly, the appellants above named, in the event of arrest or 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Purnea, in connection with Kasba P.S. Case No. 67/2020.

(Sudhir Singh, J)

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