

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.226 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- NAVINAGAR District- Aurangabad

1. Guddu Prajapati S/O Prahlad Prajapati Resident Of Village Amdiha, Police Station- Nabinagar, District Aurangabad
2. Akhlesh Prajapati S/O Prahlad Prajapati Resident Of Village Amdiha, Police Station- Nabinagar, District Aurangabad
3. Mithlesh Prajapati S/O Prahlad Prajapati Resident Of Village Amdiha, Police Station- Nabinagar, District Aurangabad
4. Ajay Prajapati S/O Prahlad Prajapati Resident Of Village Amdiha, Police Station- Nabinagar, District Aurangabad
5. Shani Prajapati S/O Akhlesh Prajapati Resident Of Village Amdiha, Police Station- Nabinagar, District Aurangabad
6. Anil Prajapati S/O Bijay Prajapati Resident Of Village Amdiha, Police Station- Nabinagar, District Aurangabad

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Sinha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Counsel for the appellants is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the
appellants in connection with a case registered for the offences
under Sections 341, 323/34 of the Indian Penal Code and



Sections 3(i)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the appellants assaulted the informant and his family members.

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. There is no allegation of assault against the appellants. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. 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 F.I.R.

In view of the aforesaid facts and circumstances, the order dated 23.09.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Nabinagar P.S. case No.204/2020, is set aside. The criminal appeal is allowed.

Let 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 their personal bond to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Nabinagar P.S. case No.204/2020.

Once the normalcy is restored, the appellants will 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)

Narendra/-

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