

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.439 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- TARAIIYA District- Saran

1. Suresh Singh, aged about 65 years, S/o Late Ram Prasad Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
2. Pawan Kumar Singh, aged about 27 years, S/o Rajkumar Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
3. Sachin Kumar Singh, aged about 20 years, S/o Rajkumar Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
4. Munna Kumar Singh, aged about 27 years, S/o Bigan Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
5. Himanshu Singh, aged about 22 years, S/o Shekhar Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
6. Kundan Kumar Singh, aged about 22 years, S/o Sachindra Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
7. Rajesh Singh, aged about 38 years, S/o Mithilesh Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
8. Ritesh Kumar Singh, aged about 27 years, S/o Suresh Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
9. Neeraj Singh, aged about 26 years, S/o Mithilesh Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
10. Indrajeet Singh, aged about 24 years, S/o Ravindra Singh, Male, Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).
11. Bach Singh, aged about 50 years, Male, S/o Darbesh Singh Resident of Vill.- Bhataura, P.S.- Taraiya, District- Saran (Chapra).

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants are directed to



remove the defects, 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 Taraiya P.S. Case No. 285 of 2020, registered for the offences under Sections 341, 323, 448, 427, 354(B), 379, 504, 506/34 of the I.P.C. and 3(r)(w) of the SC/ST Act.

The prosecution case, in short, is that on 11.08.2020 at about 9.30 A.M., the informant was at her house, in the meantime, accused persons, namely, Suresh Singh, Golu Kumar Singh, Pawan Kumar Singh, Sachin Kumar Singh, Himanshu Singh, Kundan Kumar Singh, Rajesh Singh, Neeraj Singh, Ritesh Kumar Singh, Indrajeet Singh, Bachha Singh and other 5-6 persons came having armed with Lathi, Danda, Sword, Iron rod, Farsa and started abusing the informant by taking her caste name, entered the house of the informant and broken the gate and dragged her out of the house forcibly, as a result of which, she and her family members became naked and also snatched the golden chain from her neck. They also threatened to kill her if the case is lodged by her.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have



falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against them. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of the accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. 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 15.09.2020, passed in A.B.P. No. 1721 of 2020, arising out of Taraiya P.S. Case No. 285 of 2020, by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Saran (Chapra), 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 the learned Additional



Sessions Judge-I-cum-Special Judge, SC/ST, Saran (Chapra), in connection with Taraiya P.S. Case No. 285 of 2020.

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.

(Sudhir Singh, J)

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