

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.235 of 2021**

Arising Out of PS. Case No.-39 Year-2018 Thana- SC/ST District- Vaishali

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Ram Naresh Kumar @ Ram Naresh Sah @ Jataha S/O-Ram Nath Sah
Resident Of Village-Arazi Shahbazpur, Police Station-Hajipur Sadar, Dist-
Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Counsel for the appellant 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.

Learned counsel for the appellant submits that the
limitation, as pointed out by the office, be condoned in the light
of the order dated 08.03.2021, passed by the Hon'ble Apex
Court, in Suo Motu Writ Petition (Civil) No.03 of 2020.

Considering the submissions made on behalf of the
learned counsel for the appellant, the limitation, as pointed out
by the office, is condoned.

The matter relates to grant of anticipatory bail to the



appellant in connection with a case registered for the offences under Sections 447, 341, 342, 323, 380, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellant came at the house of the informant with lathi, danda, farsa and abused and assaulted the informant. Co-accused and the appellant entered into the house of the informant and took away Rs.75,000/-, which was kept in a bag and the accused persons also abused the informant by taking his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The alleged occurrence is said to have taken place on 17.11.2018 and the case was instituted on 25.11.2018. Delay has not been explained by the prosecution. General and omnibus allegation has been made. 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



appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.08.2019, passed by the learned Additional Sessions Judge I-cum-Special Judge, Vaishali at Hajipur vide A.B.P. No.1760 of 2019 in connection with Hajipur SC/ST P.S. case No.39 of 2018, is set aside. The criminal appeal is allowed.

Let the appellant, 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 his personal bond to the satisfaction of learned Additional Sessions Judge I-cum-Special Judge, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. case No.39 of 2018.

Once the normalcy is restored, the appellant 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)

Narendra/-

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