

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.323 of 2021

Arising Out of PS. Case No.-313 Year-2020 Thana- RAMNAGAR District- West Champaran

1. Govind Patel, S/O Late Dukhi Patel Resident Of Village Bilashpur, Police Station Ramnagar District West Champaran
2. Arbind Patel, S/O Late Dukhi Patel Resident Of Village Bilashpur, Police Station Ramnagar District West Champaran
3. Neha Devi, W/O Govind Patel Resident Of Village Bilashpur, Police Station Ramnagar District West Champaran
4. Musemat Prabhawati Devi, W/O Late Dukhi Patel Resident Of Village Bilashpur, Police Station Ramnagar District West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bashistha Narain Mishra- Advocate

For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-06-2021 Heard Mr. Bashistha Narain Mishra, the learned Advocate for the appellants and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated ... 12.10.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Ramnagar P. S. Case No.313 of 2020, instituted for the offences under Sections 341, 323, 504/ 34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The appellants have been charged under various Sections of the I.P.C. and under the provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act for an occurrence which took place about six months ago. It appears that the occurrence took place in the month of March whereas the F.I.R. has been registered in the month of September.

Apart from this, it has been urged that from a bare reading of the F.I.R., it would be found that there is no accusation with respect to invocation of the charge under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. With respect to the same occurrence, there is a counter-version, lodged six months ago, i.e. at the time of the occurrence. These facts have not at all been adverted to by the Court below while taking cognizance in the case and rejecting the prayer for anticipatory bail.

Regard being had to the aforesaid facts, the order dated 12.10.2020, referred to above, is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their



arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Ramnagar P. S. Case No.313 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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