

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.232 of 2021**

Arising Out of PS. Case No.-268 Year-2019 Thana- UCHKAGAON District- Gopalganj

RANJAN SAH @ RANJAN GUPTA Son of Prabhunath Sah Resident of
Village- mathauli, P.S.- Uchakagaon, Distt- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari No.1, Spl. P.P.

**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.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 341, 323, 324, 307, 427, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)/(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that co-accused Ajay Singh assaulted the son of the informant by farsa, due to which he sustained head injury and the appellant assaulted Anup Kumar Ram with sword and other co-accused assaulted



Awadhesh Ram and Yogendra Ram by lathi, danda, hocky, due to which they sustained injuries and the accused persons damaged the vehicle of the informant and also abused the informant and his family members by taking 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 05.11.2019 and the case was instituted on 07.11.2019. Delay has not been explained by the prosecution. Nature of injury is said to be simple. Hence no offence under Section 307 of I.P.C. is made out. 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 07.10.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj vide A.B.P. No.1675 of 2020 in connection with Uchkagaon P.S. case No.268/19, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj in connection with Uchkagaon P.S. case No.268/19.

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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