

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.380 of 2021

Arising Out of PS. Case No.-267 Year-2019 Thana- BUDDHACOLONY District- Patna

1. RANG NATH GUPTA Son of Late Vishwanth Gupta Resident of South Mandiri, P.S. Budha Colony, District - Patna.
2. Smt. Anita Devi Wife of Rang Nath Gupta Resident of South Mandiri, P.S. Budha Colony, District - Patna.
3. Pintu Gupta @ Pintu Kumar Son of Late Sidh Nath Gupta Resident of South Mandiri, P.S. Budha Colony, District - Patna.
4. Smt. Gita Devi Wife of Late Sidh Nath Gupta Resident of South Mandiri, P.S. Budha Colony, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

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



The prosecution case, in short, is that the accused persons assaulted the informant and they also abused him by taking his caste name.

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. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. There is admitted land dispute between the parties. 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 complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 16.03.2020, passed by the learned Additional District Judge VIII-cum-Special Judge, SC/ST Act, Patna vide A.B.P. No.2041 of 2020 in connection with Budha Colony P.S. case No.267 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VIII-cum-Special Judge, SC/ST Act, Patna in connection with Budha Colony P.S. case No.267 of 2019.

(Sudhir Singh, J)

Narendra/-

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