

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.473 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- BARAULI District- Gopalganj

1. GAURI SHANKAR PRASAD @ GAURI PRASAD S/O LATE MANU PRASAD R/O VILLGE JOKAHA, P.S-BARAULI, DISTRICT-SIWAN.
2. KASHI PRASAD @ KASHI NATH PRASAD S/O GAURI SHANKAR PRASAD @ GAURI PRASAD R/O VILLGE JOKAHA, P.S-BARAULI, DISTRICT-SIWAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ramadhar Shekhar
For the Respondent/s	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2021 At the outset, learned counsel for the appellants submits that during pendency of this appeal, the appellant No. 2 has been taken into judicial custody and hence, this appeal as against appellant No. 2 has become infructuous.

Accordingly, this appeal as against appellant No. 2 stands dismissed as withdrawn.

Now this appeal is confined to appellant No. 1 only.

Learned counsel for the appellant No. 1 is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard the parties.

The matter relates to grant of anticipatory bail to the



appellant No. 1 in connection with Barauli P.S. Case No. 212 of 2020 registered for the offences under Sections 341, 323, 324, 448, 354, 504, 506, 308/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v)(a) of the SC/ST Act.

Allegedly, the he-goat of the informant was being loaded on motorcycle which was seen by informant's side as a result of which, the accused persons uploaded the he-goat. It is also alleged that the accused persons abused the informant taking her caste name. It is also alleged that the accused persons entered the house of the informant and tried to outrage modesty of daughter-in-law of the informant. It is further alleged that assault was also made by the accused persons.

It has been submitted on behalf of the appellant No. 1 is that there is no allegation of tampering of witnesses alleged against the appellant No. 1. The appellant No. 1 has falsely been implicated in the present case. General and omnibus allegation has been made against the appellant No. 1. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant No. 1 is named in the Complaint Case/F.I.R.



In view of the aforesaid facts and circumstances, the order dated 05-11-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Gopalganj in Barauli P.S. Case No. 212 of 2020 is set aside. The present Criminal Appeal is allowed.

Accordingly, let the appellant No. 1, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Gopalganj in connection with Barauli P.S. Case No. 212 of 2020.

(Sudhir Singh, J)

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