

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1410 of 2021

Arising Out of PS. Case No.-11 Year-2016 Thana- SC/ST District- East Champaran

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1. MANEJAR SAH S/o Late Gopal Sah R/o village- Turkauliya Tola Asharif Sah, P.S.- Turkauliya, District- East Champaran
 2. Surendra Sah S/o Manajer Sah R/o village- Turkauliya Tola Asharif Sah, P.S.- Turkauliya, District- East Champaran
 3. Jitu Sah @ Jitendra Kumar S/o Manajer Sah R/o village- Turkauliya Tola Asharif Sah, P.S.- Turkauliya, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ram Adya Singh, Advocate
For the Respondent/s	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Learned counsel for the appellants 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.3 of 2020.

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

Counsel for the appellants 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 appellants in connection with a case registered for the offences under Sections 341, 323, 379, 354, 504, 506 of the Indian Penal Code and Section 3(1)(i)(x)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the appellants assaulted the informant by means of fist and slaps and they also abused him by taking his caste name. When the mother of the informant came to save him, she was also assaulted by the appellants.

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. The present case has been instituted after four days of the alleged occurrence. The delay has not been explained by the prosecution. It is a case and counter case 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 F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18.06.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Motihari (East Champaran) vide A.B.P. No. 891 of 2020 in connection with SC/ST Motihari P.S. case No.11 of 2016, is set aside. The criminal appeal is allowed.

Let the appellants, 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 their personal bond to the satisfaction of 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Motihari (East Champaran) in connection with SC/ST Motihari P.S. case No.11 of 2016.

Once the normalcy is restored, the appellants will 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.

Narendra/-

(Sudhir Singh, J)

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