

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.884 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- PAHARPUR District- East Champaran

PARMOD PRASAD, aged about 50 years (Male), S/o Ramagya Prasad,
Resident of Village- Persauni, P.S.- Paharpur, Distt- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Vijay Shankar Shrivastava, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to
remove the defects, 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 Paharpur P.S. Case No. 220 of 2020, registered for
the offences under Sections 341, 323, 354, 379, 504/34 of the
I.P.C. and 3(1)(x) of the SC/ST Act.

The prosecution case, in short, is that the informant
Nirmala Kunwar used to work of her villager Amod Prasad but
due to her illness, she was not going to do the same at his house.
On 12.06.2020, she went to his house for demanding her dues
wages Rs. 850/- which was denied by Amod Prasad and he also



abused her by taking her caste name. She was also assaulted and dragged, as a result of which, she became naked and started weeping. Pramod Prasad (Appellant), Binod Prasad, Madhukar Prasad, Anirudh Prasad and Ramagya Prasad abused by saying her caste name and assaulted her with fists and slaps and also snatched Rs. 250/- from her. Anod Prasad ordered her to go from here otherwise he will damage her prestige.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. The present case has been instituted due to previous enmity between the parties. It is a malafide prosecution against the appellant. The alleged occurrence has not taken place in public view. Hence, no offence under 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 03.11.2020, passed in A.B.P. No. 2313 of 2020, arising out of Paharpur P.S. Case No. 220 of 2020 by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari, in connection with Paharpur P.S. Case No. 220 of 2020.

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)

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