

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1406 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- SC/ST District- Supaul

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1. ASHOK YADAV @ ASHOK KUMAR BHARTI SON OF LATE NATHUNI YADAV RESIDENT OF VILLAGE- HARARI TOLA DANAPUR, P.S- MARAUNA, DIST- SUPAUL
 2. VIDYASAGAR YADAV SON OF LATE NATHUNI YADAV RESIDENT OF VILLAGE- HARARI TOLA DANAPUR, P.S- MARAUNA DIST- SUPAUL

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Sinha
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 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 office, is condoned.

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



The matter relates to grant of anticipatory bail to the appellants in connection with Khagaria SC/ST P.S. Case No. 30 of 2020 registered for the offences under Sections 341, 323, 379, 354,(B), 504, 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

Allegedly, while the informant Mina Devi was going for cutting grass, in the way, Ram Blak Yadav abused her and thereafter, all accused persons assaulted the informant by fists and slaps and abused also and took Rs. 3000/- It is also alleged that the accused persons misbehaved with the informant.

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. No weapon is said to have been used in course of the occurrence. The FIR was instituted after three days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. 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 appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order



dated 24-06-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Supaul in SC/ST P.S. Case No. 30 of 2020 is set aside. Accordingly, the present Criminal Appeal is *allowed*.

Let the appellants above named, in the event of arrest/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 learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Supaul in connection with SC/ST P.S. Case No. 30 of 2020.

Once the normalcy is restored, the appellants 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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