

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.834 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- CHOUTARWA District- West
Champaran

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1. Bipin Shahi Son Of Late Jageshwar Shahi Resident Of Village- Ahirwaliya, P.S- Chautarwa, District- West Champaran
 2. Ishwar Shahi Son Of Ramji Shahi Resident Of Village- Ahirwaliya, P.S- Chautarwa, District- West Champaran
 3. Arvind Shahi Son Of Ramji Shahi Resident Of Village- Ahirwaliya, P.S- Chautarwa, District- West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anand Kishore Choudhary, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

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, 504/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants assaulted the informant and abused the informant by taking his caste name and appellant No.2 tied cloth around neck of the informant and assaulted with slap and appellant No.3 took away

the motorcycle of the informant.

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. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the appellants side have not been explained by the prosecution. The prosecution has not come with clean hands. 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 13.10.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran vide A.B.P. No. 1755 of 2020 in connection with Chautarwa P.S. case No.109 of 2020, 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 learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Chautarwa P.S. case No.109 of 2020.

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.

(Sudhir Singh, J)

Narendra/-

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