

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.878 of 2021**

Arising Out of PS. Case No.-82 Year-2018 Thana- SC/ST District- Jamui

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1. SITARAM THAKUR Son of Sukhu Thakur Resident of Village- Najari, P.S.- Laxmipur, District- Jamui.
 2. Manju Devi Wife of Sitaram Thakur Resident of Village- Najari, P.S.- Laxmipur, District- Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Muneshwar Prasad
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellants have challenged the order dated 20.08.2020 passed by learned 1st Additional Sessions Judge, Jamui in A.B.A. No. 697 of 2020 in connection with Jamui SC/ST P.S. Case No. 82/2018 registered for the offences under sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code and 3(1)(r), 3(2)(va) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of



anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons surrounded the land of the informant and assaulted the informant and family members. The accused persons also abused them by taking their caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellant no. 2 is a lady. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The case has been instituted after 9 days of the alleged occurrence. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 20.08.2020, passed by learned 1st Additional Sessions Judge, Jamui in A.B.A. No. 697 of 2020 in connection with Jamui SC/ST P.S. Case No. 82/2018, is set aside.

The appeal stands 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 bonds to the satisfaction of learned 1st Additional Sessions Judge, Jamui in connection with Jamui SC/ST P.S. Case No. 82/2018.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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