

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.909 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. Sitiesh Kumar, Male, aged about 24 years, S/o Rambabu Pandit, R/o village -Turki Khararo, P.S. Minapur, District - Muzaffarpur.
2. Shekhar Kumar, Male, aged about 18 years, S/O Rambabu Pandit, R/o village- Turki Khararo, P.S. Minapur, District - Muzaffarpur.
3. Shailesh Kumar, Male, aged about 23 years, S/o Rambabu Pandit, R/o village- Turki Khararo, P.S. Minapur, District - Muzaffarpur.
4. Bittu Kumar, Male, aged about 23 years, S/o Sultan Pandit, R/o village- Turki Khararo, P.S. Minapur, District - Muzaffarpur.
5. Kishore Pandit @ Kishori Pandit, Male, aged about 72 years, S/o Satyanarayan Pandit, R/o village- Turki Khararo, P.S. Minapur, District - Muzaffarpur.
6. Mastan Pandit, Male, aged about 37 years, S/O Ramchandra Pandit, R/o village Turki Khararo, P.S. Minapur, District - Muzaffarpur.
7. Govind Kumar, Male, aged about 21 years, S/O Gajindar Pandit, R/o village- Turki Khararo, P.S. Minapur, District - Muzaffarpur.
8. Mithun Kumar, Male, aged about 18 years, S/o Rajendra Pandit, R/o village- Turki Khararo, P.S. Minapur, District - Muzaffarpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Santosh Kumar, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 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 from the date of restoration of normalcy.

Learned counsel for the appellants seeks permission



to withdraw the present Criminal Appeal filed for grant of anticipatory bail to appellant no. 5, namely, Kishore Pandit @ Kishori Pandit and appellant no. 8, namely, Mithun Kumar, as they have been taken into judicial custody in connection with Minapur P.S. Case No. 188/2020, pending in the court of learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur.

Permission is accorded.

Accordingly, the present appeal filed on behalf of appellant no. 5, namely, Kishore Pandit @ Kishori Pandit and petitioner no. 8, namely, Mithun Kumar, is dismissed as withdrawn.

Now, the matter relates to grant of anticipatory bail to the appellants 1 to 4 and 6 to 7 in connection with Minapur P.S. Case No. 188/2020, registered for the offences under Sections 341, 323, 324, 307, 354, 379, 504/34 of the I.P.C. and 3(viii)(xi) of the SC/ST Act.

The prosecution case, in short, is that the appellants assaulted the informant in furtherance of their common intention by Lathi, Danda, Farsa and Iron rod and caused serious injuries to the informant. When his wife and daughter came to save him, the appellants have also assaulted them.



It has been submitted on behalf of the appellant nos. 1 to 4 and 6 to 7 that they have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. The specific allegation is against Pintu Kumar who is alleged to have assaulted the informant. As far as the appellant nos. 1 to 4 and 6 to 7 are concerned, no specific overt act is alleged against them. The alleged date of occurrence is said to be 27.05.2020 as to when the case was instituted on 01.06.2020. Delay has not been explained by the prosecution. 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 nos. 1 to 4 and 6 to 7 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 14.10.2020, passed in connection with Minapur P.S. Case No. 188 of 2020 by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur, is set aside only against appellant nos. 1 to 4 and 6 to 7. The criminal appeal is allowed only against appellant nos. 1 to 4 and 6 to 7.

Let the appellants above named, (except appellant no. 5, Kishore Pandit @ Kishori Pandit and appellant no. 8, namely,



Mithun Kumar) 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 the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Minapur P.S.Case No. 188/2020.

Once the normalcy is restored, the appellant nos. 1 to 4 and 6 to 7 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only 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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