

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.910 of 2021

Arising Out of PS. Case No.-479 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. PANKAJ KUMAR @ PANKAJ SINGH Son of Late Lalan Singh Resident of Village- Magaidih, P.S.- Chapra Muffasil, District- Saran at Chapra.
2. Sonu Kumar @ Sonu Singh Son of Late Lalan Singh Resident of Village- Magaidih, P.S.- Chapra Muffasil, District- Saran at Chapra.
3. Baby Devi Wife of Satyendra Singh Resident of Village- Magaidih, P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dewendra Narayan Singh
For the Respondent/s	:	Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 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 10.12.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP No. 3138 of 2020 in connection with Chapra Muffasil P.S. Case No. 479 of 2020 registered for the offences under sections 341, 323, 354, 504, 34 of the Indian Penal Code and 3(i)(r)(s) 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 entered into the house of the informant and abused her by taking her caste name. The accused persons humiliated and also tried to outrage her modesty.

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. Money was given by the appellants to the informant. When the appellants demanded the said money, the informant and her family members refused to return the said money in question. The allegations made in the F.I.R. was denied by the appellants. It is a mala fide prosecution. 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP No. 3138 of 2020 in connection with Chapra Muffasil P.S. Case No. 479 of 2020, 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-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 479 of 2020.

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)

Pankaj/-

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