

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.913 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- GUTHANI District- Siwan

1. MANIBHUSHAN SINGH Son of Dhanu Singh Resident of Village - Belaur, P.S. - Guthani, District - Siwan.
2. Abhishekh Singh @ Abhishek Singh Son of Sanjay Kumar Singh @ Tuntun Singh Resident of Village - Belaur, P.S. - Guthani, District - Siwan.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rakesh Kumar Shrivastava
For the Respondent/s	:	Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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

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 Guthani P.S. Case No. 178 of 2020 registered for the offences under Sections 341, 323, 356, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) (s)/3(2)(va) of the SC/ST Act.

Allegedly, while the informant after withdrawing Rs.



121000/- from Technia Branch, in the way, the accused persons intercepted him and got him fallen down. It is alleged that the appellant No. 1 having caught the neck, got the informant fallen down and the appellant No. 2 is alleged to have taken money from his pocket. Allegedly, the appellants called the informant his caste name.

It has been submitted on behalf of the appellants that the appellant No. 1 has 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. Due to previous enmity, the present case has been instituted. The alleged occurrence is said to have taken place on 07-01-2020 and the case has been instituted on 10-09-2020. The delay of nine months 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 02-12-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Siwan in



Guthani P.S. Case No. 178 of 2020 is set aside. The present 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 Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Siwan in connection with Guthani P.S. Case No. 178 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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