

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.823 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- SC/ST District- Saran

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1. Ravi Ranjan Bharti, Son Of Late Sunil Bharti, aged about 27years (Male), Resident Of Village- Lohari, P.S.- Chapra Muffasil, Distt- Saran.
 2. Pundeo Bharti, Son Of Late Ram Ayodhya Bharti, aged about 48 years (Male), Resident Of Village- Lohari, P.S.- Chapra Muffasil, Distt- Saran.
 3. Naveen Bharti @ Naveen Kumar Bharti, Son Of Late Sunil Bharti, aged about 20 years (Male), Resident Of Village- Lohari, P.S.- Chapra Muffasil, Distt- Saran.
 4. Shiv Chandra Kumar Parvat @ Satyendra Parvat, Son Of Late Lakhman Parvat, aged about 26 years (Male), Resident Of Village- Lohari, P.S.- Chapra Muffasil, Distt- Saran.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants : Mr. Praveen Prabhakar, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 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.

The matter relates to grant of anticipatory bail to the
appellants in connection with Saran SC/ST P.S. Case No. 33 of
2020, registered for the offences under Sections 341,323, 379,
354, 504/34 of the I.P.C. and 3(i)(r)(s) (w)of the SC/ST (POA)
Act.



The prosecution case, in short, is that on 15.05.2020 at about 5.00 A.M. the mother of the informant, namely, Sarswati Devi, was going to attend the call of nature then the appellants started abusing her by referring her caste name and on protest, accused persons started assaulting her by means of Lathi, Danda, fists and slaps. Ravi Ranjan Bharti (appellant no. 1) torn her Blouse due to which she became naked and at the same time, Pundeo Bharti (appellant no. 2) snatched Mangal Sutra from her neck.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. The present case has been instituted after five days of the alleged occurrence. 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



appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.10.2020, passed in connection with Saran SC/ST P.S. Case No. 33 of 2020 by learned Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran, is set aside. The criminal appeal is allowed.

Accordingly, the appellants above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran, in connection with Saran SC/ST P.S. Case No. 33 of 2020.

(Sudhir Singh, J)

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