

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.896 of 2021

Arising Out of PS. Case No.-17 Year-2017 Thana- GUTHANI District- Siwan

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RIPU SINGH @ NAVNIT SINGH S/o Sudama Singh R/o Village - Tanwa
Khurd, P.S. - Guthani, District - Siwan.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

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

The appellant has challenged the order dated
16.10.2020 passed by learned 1st Additional Sessions Judge-
cum- Special Judge, Siwan in ABP No. 1119/2020 in
connection with Guthani P.S. Case No. 17/2017 registered for
the offences under sections 504, 147, 341 and 323 of the Indian
Penal Code and 3(i)(x) SC/ST (Prevention of Atrocities) Act
whereby the prayer made on behalf of the appellant for grant of
anticipatory bail has been rejected.

Prosecution allegation, in short, is that while the



informant was on the way, the accused persons assaulted him and also abused him by taking his caste name.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The nature of injury is said to be simple. No motive has been alleged by the prosecution. The alleged occurrence has not 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 appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 16.10.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Siwan in ABP No. 1119/2020 in connection with Guthani P.S. Case No. 17/2017, is set aside.

The appeal stands allowed.

Let the appellant 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 his personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, Siwan in



connection with Guthani P.S. Case No. 17/2017.

Once the normalcy is restored, the appellant 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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