

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5872 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- SIKARPUR District- West Champaran

ABHAY KUMAR UPADHYAY Son of late Rama Upadhyay Resident of
Village - Jaymangalpur, P.S.- Shikarpur, Distt - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-03-2021

Reg: I.A. No.1 of 2020

The present interlocutory application has been filed
for condoning the delay in filing the present criminal appeal.

For the reasons stated in the application and the
submissions made in support thereof, the delay in filing the
present criminal appeal is condoned.

I.A. No.1 of 2020 stands allowed.

Reg: Criminal Appeal (SJ) No.5872 of 2019

Heard learned counsel for the appellant and learned
Special P.P. for the State.

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences
under Sections 341, 323, 354, 504/34 of the Indian Penal Code
and Sections 3(i)(r) of the SC/ST (Prevention of Atrocities) Act,



1989.

The prosecution case, in short, is that total 8 lacs rupees was taken from 700 people by the accused persons. When the informant demanded money back, the accused persons assaulted and abused by taking her caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The appellant is not named in the F.I.R. The allegation of collection of money is against the co-accused Sundaram Devi. The appellant has got no concern with the alleged occurrence. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is not named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.08.2019, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, (SC/ST/POCSO), Bettiah, District West Champaran vide A.B.P. No.1423 of 2019 in connection with Shikarpur P.S. case No.145 of 2018, is set



aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, (SC/ST/POCSO), Bettiah, District West Champaran in connection with Shikarpur P.S. case No.145 of 2018.

(Sudhir Singh, J)

Narendra/-

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