

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15543 of 2017

In
Criminal Appeal (SJ) No.1022 of 2016

Arising Out of PS. Case No.-98 Year-2016 Thana- KONCH District- Gaya

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Ruby Devi Wife of Sanjay Ravidas, resident of village Chiraiyabigha,
Ismailpur, P.S. Konch, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandeshwar Yadav son of Late Bigun Yadav
3. Okindar Yadav son of Chandeshwar Yadav
4. Chandradeo Yadav son of Late Moti Yadav
5. Pintu Yadav son of Chandradeo Yadav
6. Chandrabilash Yadav son of Late Bigun Yadav
7. Anil Yadav son of Chandrabilash Yadav
All resident of village Chiraiyabigha Ismailpur, P.S. Konch District-Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Sujit Kumar Singh APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 24-01-2018 Heard learned counsel for the petitioner and the Opposite Parties.

2. The petitioner/informant has challenged the order dated dated 28-07-2016 passed by the learned Special Judge SC/ST Act, in connection with Konch P.S. Case No. 98/2016 whereby the Opposite Party Nos. 2 to 7 have been granted the privilege of anticipatory bail.

3. Learned counsel for the petitioner has drawn the attention of this Court to the averments made in the F.I.R. and has submitted that there is a clear allegation of the offences



under Section 3 (1(X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,1989 (for short 'the SC/ST Act') as well as under Section 354 of the I.P.C.

4. Perused the F.I.R.

5. The allegation is of Opposite Party Nos. 2 to 7 having abused the informant by taking her caste name, and after the assault, some of the accused persons were also alleged to have said that persons of a particular caste have become very daring and that they ought to be thrown out of the village.

6. The impugned order does not deal with any of the aforesaid allegations and in a cryptic manner, it has been held in the order that there is no material available against the accused-petitioners.

7. For the absence of any cogent reason regarding the offences under the SC /ST Act not being attracted, so far as the Opposite Party nos. 2 to 7 are concerned, this order cannot be sustained in the eyes of law.

8. The order dated 28.07.2016 passed by the learned Special Judge SC/ST, Gaya, in connection with Konch P.S. Case No. 98/2016 is set aside.

9. The anticipatory bail granted to Opposite Party nos. 2 to



7 is hereby cancelled.

10. However, it is observed that if the Opposite Party nos. 2 to 7 would surrender before the concerned Special Court, he shall look into the allegations and pass appropriate/necessary orders, keeping in mind that the opposite parties No. 2 to 7 are labourers and the other allegations are not serious, preferably on the same day.

(Ashutosh Kumar, J)

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