IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4399 of 2018

Arising Out of PS. Case No.-368 Year-2018 Thana- JAHANABAD District- Jehanabad

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1. Shakiba Khatoon @ Sakiba Khatoon, Wife of Md. Viku Miyan.
2. Raushni Khatoon, Wife of Modi Miyan.
3. Md. Bikku, Son of Md. Zaheer, All are resident of Village- Safdarganj, Police Station- Jehanabad in the district of Jehanabad.
4. Md. Rajak @ Md. Modi Razak, Resident of Village- Safdarganj, Police station- Jehanabad in the district of Jehanabad.
5. Chapta Mian , Son of Biku Miyan, resident of Village Jafarganj, Police Station- Jehanabad in the District of Jehanabad.
6. Md. Bharwa @ Md.Bharwa Mian, Son of Bikku Miyan, resident of Village- Jafarganj, Police Station- Jehanabad in the district of Jehanabad.

... ... Appellant/s

Versus

The State of Bihar.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

3 03-01-2019 By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities)Act, 2016, appellants seek for setting aside the order dated 05.10.2018, passed in Jehanabad P.S. Case No. 368 of 2018 for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 325, 354(B), 308, 506 and 504 of the Indian Penal Code and Section 3(i)(r)(s)(w) of SC/ST (POA) Act, by the learned Additional District & Sessions Judge -I, Jehanabad, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

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Allegation against the appellants is that they were taking toddy and using abusive language and also raising anti national slogans and when the informant protested, next day the along with others came and entered into the house of informant and raised anti national slogans and torn the blouse of daughter and daughter in law of the informant and tried to infringe their modesty, which was witnesses by the mohalla people also.

It has been submitted on behalf of the appellants that no specific allegation has been attributed to the appellants rather only general and omnibus allegation has been levelled. Further no case is made out against the appellants under the provisions of SC/ST (Prevention of Atrocities), Act, as there is no allegation of abusing informant by caste name.

Heard learned Special P.P. also.

Having heard both sides, so far appellant nos. 1 and 2 are concerned, since they are ladies, the appeal with regard to appellant nos. 1 and 2 is allowed, let the appellant nos. 1 and 2, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousands)

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each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -I, Jehanabad, in connection with Jehanabad P.S. Case No. 368 of 2018, subject to the conditions laid down under Sectin 438 (2) of Cr.P.C.

So far appellant nos. 3 to 6 are concerned, I am not inclined to grant them the privilege of anticipatory bail rather they should surrender before the court below and pray for regular bail, which will be considered the court below on the merit of the case.

With the above observation and direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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