

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.564 of 2020

Arising Out of PS. Case No.-54 Year-2019 Thana- SC/ST District- Nalanda

-
1. ASHA DEVI W/o Kedar Prasad Resident of Village- Mahima Chak, P.S.-
Harnaut, Distt- Nalanda at Biharsharif
 2. Kedar Prasad S/o Jamuna Mahto Resident of Village- Mahima Chak, P.S.-
Harnaut, Distt- Nalanda at Biharsharif

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indu Bhushan

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellants in connection with SC/ST P.S. Case No. 54 of 2019
registered for the offences under Sections 341, 323, 379, 420,
504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(x)
of the SC/ST Act.

Allegedly, the appellant No. 1 who used to run an
institution, advised the informant to get herself engaged in the



institution. It is further alleged that the appellant No. 1 advised her to purchase an acupressure machine. The informant borrowed Rs. 40,000/- from appellant No. 1 and the appellant No. 1 took signature of the informant on a plain paper. Later on, when the business of the informant did not run, she returned the money with interest to the appellant No. 1 and asked for the paper on which, she had put her signature. Thereafter, the appellant No. 1 called the informant at her residence and abused her calling her caste name “Dusadhin”. The appellant told her husband (appellant No. 2) to outrage her modesty.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is dispute between the parties for returning of the paper. Allegedly, the document of agreement is alleged to have not returned to the informant. The matter relates to civil dispute. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.



In view of the aforesaid facts and circumstances, the order dated 08-01-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in SC/ST P.S. Case No. 54 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No. 54 of 2019.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

