

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1048 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- KARPI District- Jehanabad

1. SHYAM BIHARI @ SHYAM BIHARI SINGH Son of Late Jainandan Singh Resident of Village - Pan Bigha, P.S.- Karpi, Distt.- Arwal.
2. Budhan Singh Son of Late Jainandan Singh Resident of Village - Pan Bigha, P.S.- Karpi, Distt.- Arwal.
3. Santosh Singh Son of Late Bhim Singh Resident of Village - Pan Bigha, P.S.- Karpi, Distt.- Arwal.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Paras Nath, Adv.
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-10-2021 Heard learned counsel for the appellants through video conferencing.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 5.11.2020 passed by the learned Additional Sessions Judge-1st, Jehanabad in A.B.P. No. 1144 of 2020 in connection with Karpi P.S. Case No. 183 of 2020, registered for



the offences punishable under Sections 341, 323, 354, 504/34 of the Indian Penal Code & Section 3(1)(r) and (s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Prosecution case in brief is that, the informant Savita Devi made allegation that the appellants assaulted her and when her daughter Chanchal Kumari came to rescue her, they also assaulted her.

Learned counsel for the appellants has submitted that it is apparent from bare reading of the fardbeyan that not a single filthy word or abuse was inflicted by the appellants, as such, the provisions of SC/ST Act is not attracted in the present case.

The submission of learned counsel appears to be true that not a single filthy word was inflicted by the appellants. The only allegation is that they assaulted informant and her daughter and they also snatched dupatta of Chanchal Kumari. The provisions of SC/ST Act prima facie is not attracted the present case.

In these circumstances, the appeal is allowed and the impugned order dated 5.11.2020 passed by the learned Additional Sessions Judge-1st, Jehanabad is set aside.



Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-1st, Jehanabad in A.B.P. No. 1144 of 2020 arising out of Karpi P.S. Case No. 183 of 2020.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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