

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1152 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

1. USHA DEVI W/O LATE PRAKASH YADAV RESIDENT OF VILLAGE GOPALPUR PS INDUSTRIAL AREA, DISTRICT-BHAGALPUR.
2. KIRAN DEVI W/O LATE PRAKASH YADAV RESIDENT OF VILLAGE GOPALPUR PS INDUSTRIAL AREA, DISTRICT-BHAGALPUR.
3. SUDAMA YADAV S/O LATE PRAKASH YADAV RESIDENT OF VILLAGE GOPALPUR PS INDUSTRIAL AREA, DISTRICT-BHAGALPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Praveen Kumar, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

Mr. Kumar, learned counsel for the appellants seeks permission to withdraw the appeal with respect to appellant no. 2 and 3.

The appeal with respect to appellant no. 2/ Kiran Devi and appellant no. 3 / Sudama Yadav is dismissed as withdrawn.

The appellant no. 1 has challenged the order dated



18.12.2020 passed by the learned Additional Sessions Judge -III-cum-Special Judge, SC/ST, Act, Bhagalpur in Anticipatory Bail Petition No. 1906 of 2020 arising out of Industrial P.S. Case No. 102 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 341, 323, 307, 379, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r)(s) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that the informant was assaulted by all the accused persons (five in number) including the appellant. The informant has received grievous injury but that is on his elbow.

It has been submitted on behalf of appellant no. 1 that there is a delay of thirty two hours in lodging the F.I.R. even though the police station is at a stone-throw distance. So far as the accusation is concerned, nothing has been specifically alleged against the appellant no. 1. The nature of offence as described in the F.I.R. does not make out a case under the SC/ST (Prevention of Atrocities), Act. The allegation of attempting to disrobe the informant is highly



exaggerated. The informant as well as the appellant no. 1 are neighbours. The appellant no. 1 is the senior most member of her family and she has also not been spared.

On the afore-noted grounds, it has been urged that no offence either under the Indian Penal Code or under the SC/ST (Prevention of Atrocities), Act can be said to have been made out against the appellant no. 1.

For the reasons afore-stated, the order dated 18.12.2020 passed by the learned Additional Sessions Judge -III-cum-Special Judge, SC/ST, Act, Bhagalpur so far as it relates to appellant no. 1, is set aside.

The appeal stands allowed.

The appellant no. 1/Usha Devi is directed to be released on bail in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of order dated 18.12.2020 passed by the learned Additional Sessions Judge -III-cum-Special Judge,



SC/ST, Act, Bhagalpur in connection with Industrial P.S.
Case No. 102 of 2020.

(Ashutosh Kumar, J)

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