

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1360 of 2021

Arising Out of PS. Case No.-203 Year-2017 Thana- LAUKAHI District- Madhubani

1. RAM BILAS MUKHIYA Late Sunder lal Mukhiya Resident of village- Dhobiyahi P.S- Laukahi Dist- Madhubani
2. BAIJNATH MUKHIYA son of Devan Mukhiya Resident of village- Dhobiyahi P.S- Laukahi Dist- Madhubani
3. BISHWANATH MUKHIYA son of Late Sitarm Mukhiya Resident of village- Dhobiyahi P.S- Laukahi Dist- Madhubani
4. SURESH MUKHIYA @ SURESH KUMAR MUKHIYA son of Mushaharu Mukhiya Resident of village- Dhobiyahi P.S- Laukahi Dist- Madhubani
5. OM MUKHIYA son of Chauthi Mukhiya Resident of village- Dhobiyahi P.S- Laukahi Dist- Madhubani
6. RAM CHANDRA MUKHIYA son of Muneshwar Mukhiya Resident of village- Dhobiyahi P.S- Laukahi Dist- Madhubani

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Nibash Prasad
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellants have challenged the order dated
30.06.2020 passed by learned 1st Additional Sessions Judge-
cum- Special Judge, SC/ST Act, Madhubani in ABP No. 2006 of



2019 in connection with Laukahi P.S. Case No. 203 of 2017, (G.R. No. 84 of 2017) registered for the offences under sections 147, 149, 341, 323, 354(B), 379 and 504 of the Indian Penal Code and 3(i)(r), 3(2)(va) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons tried to outrage the modesty of the informant and abused her by taking caste name.

It has been submitted on behalf of the appellants that the appellant nos. 2, 4, 5 and 6 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. The present case has been instituted after three (3) days of the alleged occurrence. The delay in lodging the case has not been explained by the prosecution. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances,



the order dated 30.06.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Madhubani in ABP No. 2006 of 2019 in connection with Laukahi P.S. Case No. 203 of 2017, (G.R. No. 84 of 2017) , is set aside.

The appeal stands allowed.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Madhubani in connection with Laukahi P.S. Case No. 203 of 2017, (G.R. No. 84 of 2017).

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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