

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1382 of 2021**

Arising Out of PS. Case No.-818 Year-2016 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. VINOD SAW son of BRAHMDEO SAW RESIDENT OF VILLAGE-MAHULI, PO SISWAN, P.S. NAWADA, DISTRICT NAWADA
 2. RITIK SAW SON OF VINOD SAW RESIDENT OF VILLAGE- MAHULI, P.O- SISWAN, P.S- NAWADA, DIST- NAWADA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anjani Kumar Jha
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 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.

The appellants have challenged the order dated
02.07.2020 passed by learned Additional Sessions Judge -1st-
cum- Special Judge, Nawada in ABP No. 363/2020 in
connection with Complaint Case No. 818 of 2017 in which
cognizance has been taken under sections 354(B) IPC and 3(1)
(r)(s) of SC/ST 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 assaulted the victim and also tried to outrage her modesty. The accused persons also abused her by taking caste name.

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 a case and counter case between the parties. A free fight is alleged to have taken place. The appellants had no intention to commit an offence under section 354(B) IPC. 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, this Court is inclined to set aside the order dated 02.07.2020 passed by learned Additional Sessions Judge -1st- cum- Special Judge, Nawada in ABP No. 363/2020 in connection with Complaint Case No. 818 of 2017 by which the anticipatory bail of the appellants was rejected.



Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of six 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 Sessions Judge -1st- cum- Special Judge, Nawada in connection with Complaint Case No. 818 of 2017.

The appeal stands allowed.

(Sudhir Singh, J)

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