

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1812 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- FATUA District- Patna

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1. ANANT KUMAR @ ANATH KUMAR Son of Vijay Prasad Resident of Village- Govindpur, P.S.- Fatua, District- Patna.
 2. Chandan Kumar Son of Doman Prasad Resident of Village- Govindpur, P.S.- Fatua, District- Patna.
 3. Kanhaiya Kumar Son of Dukhan Sao @ Dinanath Sao Resident of Village- Govindpur, P.S.- Fatua, District- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-07-2021

I.A. No. 1 of 2021

There is a delay of 51 days in preferring this appeal.

For the reasons stated in the application, the delay is condoned.

The application is allowed.

Heard Mr. Rakesh Kumar Jha, learned counsel for the appellants and Mr. Binay Krishna, learned Spl. PP for the State.

The appellants have challenged the order dated 17.09.2020 passed by the learned Special Judge, SC/ST Act, Patna in A.B.P. No. 3352 of 2020 in Special Case No. 121 of 2020 arising out of Fatua P.S. Case No.



194 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 147, 149, 354, 448 and 504 of the Indian Penal Code and Sections 3(1)(r)(s) & (w) of the SC/ST Act has been rejected.

The accusation in the FIR is that one Kanhaiya Soni along with 10-15 others came to the house of the informant on the pretext of playing Holi but started molesting her. When a protest was made, the family members of the informant were assaulted.

It has been submitted on behalf of the appellants that their names have transpired in the further statement of the informant.

Learned Advocate for the appellants has further submitted that there are two factions in the village and only in order to wreak vengeance on one particular group because of their being associated with Kanhaiya Soni, the appellants have been made accused in this case. The accusation under the SC/ST (Prevention of Atrocities) Act does not appear to have been made out.

For the reasons aforesated, the order dated 17.09.2020 is set aside.

The appeal is allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be



released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Patna in A.B.P. No. 3352 of 2020 in Special Case No. 121 of 2020 arising out of Fatua P.S. Case No. 194 of 2020.

(Ashutosh Kumar, J)

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