

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1854 of 2021**

Arising Out of PS. Case No.-67 Year-2018 Thana- DELHA District- Gaya

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1. Mahendra Prasad Son Of Jhulan Bhagaty R/O Village- Bhatbigha Kharkhura, P.S.- Delha, District- Gaya.
 2. Reeta Devi Wife Of Mahendra Prasad R/O Village- Bhatbigha Kharkhura, P.S.- Delha, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Delha P.S. case No.67/2018 registered for the offences under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the appellant No.1 and four other accused persons came and abused the



informant by taking her caste name. They assaulted the informant and outraged her modesty and snatched her golden mangal sutra and threatened to kill her.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Petitioner No.2 is a lady. General and omnibus allegation has been made. No grievous injury is said to have been caused in course of occurrence upon the victim. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 11.01.2020, passed by the learned Exclusive Special Judge, SC & ST, Gaya vide A.B.P. No.04 of 2021 in connection with Delha P.S. case No.67 of 2018, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Exclusive Special Judge, SC & ST, Gaya in connection with Delha P.S. case No.67 of 2018.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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