

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2041 of 2021

Arising Out of PS. Case No.-94 Year-2019 Thana- SC/ST District- Darbhanga

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1. Bimal Devi, Wife of Anurudh Jha
 2. Kanchan Devi, Wife of Varun Jha
 3. Varun Jha, Son of Anurudh Jha

All are resident of Village - Laxmipur, P. S. - Bahera, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Bali Jha, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Mr. Ram Bali Jha, the learned Advocate

for the appellants and the learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated

09.02.2021 passed by the learned 1st Addl. Sessions

Judge-Cum-Special Judge (SC/ST Act) in connection with

Darbhanga SC/ST P.S. Case No. 94 of 2019, instituted



for the offences under Sections 341, 323, 325, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(i)(s) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The appellants are said to have gone to the house of the informant after an occurrence which had taken place a day earlier. According to the F.I.R., the occurrence arose because of the wheel of the tractor of the informant entering into the field of the family members of the appellants while ploughing.

It has been submitted on behalf of the appellants that only because of some dispute while conducting agricultural operations, this case has been lodged. Nothing specific has been alleged against the appellants. It has further been submitted that the accusation involving the mischief of SC/ST (Prevention of Atrocities) Act is only for the purposes of adding serious colour to the case.



Regard being had to the aforesaid submissions, the order dated 09.02.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge (SC/ST Act) in connection with Darbhanga SC/ST P.S. Case No. 94 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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