

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2662 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- BANIAPUR District- Saran

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1. GUDDU KUMAR PRASAD Son of Tribhuan Prasad Resident of village - Baraith, P.S. - Baniyapur and the District - Saran.
  2. Mamta Kumari D/O Tribhuan Prasad Resident of village - Baraith, P.S. - Baniyapur and the District - Saran.
  3. Radhey Shyam Prasad Son of Tribhuan Prasad Resident of village - Baraith, P.S. - Baniyapur and the District - Saran.
  4. Gita Devi Wife of Tribhuan Prasad Resident of village - Baraith, P.S. - Baniyapur and the District - Saran.
  5. Munna Prasad Son of Khedan Prasad Resident of village - Baraith, P.S. - Baniyapur and the District - Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Shiv Shankar Prasad Yadav, Advocate  
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      30-09-2021                      Heard learned counsel for the appellants and learned  
Spl. P.P. for the State.

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

Counsel for the appellants seeks permission to  
withdraw the present appeal on behalf of appellant No.5 Munna  
Prasad, as the appellant No.5 has been taken into judicial  
custody.



Permission is accorded.

The appeal filed on behalf of appellant No.5 is dismissed as withdrawn.

The appellant Nos.1 to 4 have challenged the order dated 02.02.2021 passed by learned Special Judge, SC/ST Act-cum-Additional District and Sessions Judge-1, Chhapra (Saran) in connection with Baniyapur P.S. case No.303/2020 registered for the offences under Sections 341, 323, 354(B), 447, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant Nos.1 to 4 for grant of anticipatory bail has been rejected.

The prosecution case, in short, the accused persons armed with lathi, danda, rod came at the door of the informant and co-accused Bhuwan Prasad started abusing the informant by taking her caste name and gave rod blow on the head of the daughter of the informant, due to which she sustained injury on her head and when the informant came to save her daughter, accused Guddu Prasad pushed the informant, due to which she fell down and also pulled the saree of the informant, due to which she became naked.

It has been submitted on behalf of the appellant



Nos.1 to 4 that the appellant Nos.1 to 4 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant Nos.1 to 4. The appellant Nos.1 to 4 have falsely been implicated in the present case. General and omnibus allegation has been made. Specific allegation is against the co-accused Bhuwan Prasad. 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 appellant Nos.1 to 4 are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 02.02.2021, with regard to appellant Nos.1 to 4, passed by the learned Special Judge, SC/ST Act-cum-Additional District and Sessions Judge-1, Chhapra (Saran) vide A.B.P. No.3105/2020 in connection with Baniyapur P.S. case No.303/2020 is set aside.

Let the appellant Nos.1 to 4, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act-cum-



Additional District and Sessions Judge-1, Chhapra (Saran) in  
connection with Baniyapur P.S. case No.303/2020.

The criminal appeal stands allowed only for the  
appellant Nos.1 to 4.

**(Sudhir Singh, J)**

Narendra/-

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