

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1208 of 2020

Arising Out of PS. Case No.-20 Year-2019 Thana- SC/ST District- Gopalganj

1. PARVATI DEVI Resident of Village-Kalyanpur, Police Station-Barauli, District-Gopalganj.
2. Shila Devi @ Sila Devi Resident of Village-Kalyanpur, Police Station-Barauli, District-Gopalganj.
3. Niraj Devi W/o Umesh Yadav Resident of Village-Kalyanpur, Police Station-Barauli, District-Gopalganj.
4. Rita Devi W/o Umesh Yadav Resident of Village-Kalyanpur, Police Station-Barauli, District-Gopalganj.
5. Fuljhari Devi @ Fulbadni Devi W/o Bitanti Yadav @ Bitapdi Yadav @ Bitandi Yadav Resident of Village-Kalyanpur, Police Station-Barauli, District-Gopalganj.
6. Keshaw Yadav @ Keshw Yadav S/o Bitanti Yadav @ Bitapdi Yadav @ Bitandi Yadav Resident of Village-Kalyanpur, Police Station-Barauli, District-Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the appellants and learned Special P.P. for the State.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences



under Sections 341, 447, 323, 324, 354(B), 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(w), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants abused the informant by taking her caste name and they also assaulted her with lathi and danda. When her son, namely, Mantu Ram came to save her mother, co-accused Khushi Yadav inflicted sword on his head.

It has been submitted on behalf of the appellants that the appellants No.1 to 5 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. General and omnibus allegation has been made. No deadly weapon is said to have been used by the appellants in course of occurrence. Specific allegation of assault is against the co-accused, namely, Khushi Yadav. The appellants No.1 to 5 are ladies. 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 21.10.2019, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Gopalganj vide A.B.P. No.1570 of 2019 in connection with Gopalganj SC/ST P.S. case No.20 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Gopalganj in connection with Gopalganj SC/ST P.S. case No.20 of 2019.

(Sudhir Singh, J)

Narendra/-

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