

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1278 of 2020**

Arising Out of PS. Case No.-110 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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1. MINA DEVI Wife of Satendra Singh Resident of Village - Nawada, P.S. - Rasulpur, District - Saran.
 2. Sangita Devi Wife of Santosh Singh Resident of Village - Nawada, P.S. - Rasulpur, District - Saran.
 3. Santosh Singh Son of Late Sureshwar Singh Resident of Village - Nawada, P.S. - Rasulpur, District - Saran.
 4. Satendra Singh Son of Late Raghubar Singh Resident of Village - Nawada, P.S. - Rasulpur, District - Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nalin Vilochan Tiwary
For the Respondent/s : Mr.Sadanand Paswan

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

2 22-02-2021 Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

Re. I.A. No. 1 of 2020

The appellants have filed the interlocutory application for condoning the delay of 83 days in filing the instant appeal.

For the reasons stated in paragraph nos. 3 to 6 in the present interlocutory application and the submissions made in support of by the learned counsel for the appellants, I.A. No. 1 of 2020 is allowed. The delay is condoned.

Heard learned counsel for the appellants and learned



counsel for the State.

The appellants have challenged the order dated 27.09.2019 passed by learned 1st Additional District & Sessions Judge-cum- Special Judge, SC/ST, Saran at Chapra in ABP No. 2706/2019 in Complaint Case No. 110/2018 (Trial No. 03/2019) registered for the offences under sections 341, 323, 324, 354, 504 of the Indian Penal Code and 3(i)(x) of the SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons created obstruction in offering puja to the complainant and on protest was abused by the accused person by taking her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case for ulterior motive. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The appellant nos. 1 and 2 are ladies. There is a case and counter case between the parties. The injury on the side of the accused persons have not been explained by the prosecution. Prosecution has not come with clean hand. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out



in the present case.

On behalf of the State, it is submitted that the appellants are named in the complaint case.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 27.09.2019 passed by learned 1st Additional District & Sessions Judge-cum- Special Judge, SC/ST, Saran at Chapra in ABP No. 2706/2019 in Complaint Case No. 110/2018 (Trial No. 03/2019) by which the anticipatory bail of the appellants was rejected.

Let 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum- Special Judge, SC/ST, Saran at Chapra in connection with Complaint Case No. 110/2018 (Trial No. 03/2019).

The appeal stands allowed.

(Sudhir Singh, J)

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