

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2431 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- MANJHI District- Saran

1. BRAJESH DUBEY @ BRAJESH KUMAR DUBEY Son of Sri Narayan Dubey @ Goriya Baba Resident of Village- Mubarakpur, Police Station- Manjhi, District- Saran at Chapra.
2. Niku Dubey @ Ayush Kumar Dubey Son of Devbrat Dubey @ Vijay Dubey Resident of Village- Mubarakpur, Police Station- Manjhi, District- Saran at Chapra.
3. Manu Dubey @ Abhimanu Kumar Dubey Son of Pramod Dubey @ Pramod Kumar Dubey Resident of Village- Mubarakpur, Police Station- Manjhi, District- Saran at Chapra.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellants have challenged the order dated 22.03.2021 passed by learned 1st Additional District & Sessions Judge-cum- Special Judge, Excise, SC/ST (POA) Act, Saran at Chapra in ABP No. 628 of 2021 in connection with Manjhi P.S. Case No. 01 of 2021 registered for the offences under sections



341, 323, 379, 354, 504, 427/34 of the Indian Penal Code and 3(i)(r)(s)(w) of the SC/ST (Prevention of Atrocities) Act) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that accused persons, variously armed, came to the door of the informant and called her by caste name, assaulted and entered into the house and misbehaved with her and tried to outrage her modesty.

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. General and omnibus allegation has been made against the appellants. No specific allegation of assault is alleged against the appellants. There is a case and counter case between the parties. Annexure-3 is the counter case. There is a delay of two days in lodging the F.I.R. The alleged occurrence has not 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 F.I.R.



Considering the aforesaid facts and circumstances, the order dated 22.03.2021 passed by learned 1st Additional District & Sessions Judge-cum- Special Judge, Excise, SC/ST (POA) Act, Saran at Chapra in ABP No. 628 of 2021 in connection with Manjhi P.S. Case No. 01 of 2021, is set aside.

The appeal stands allowed.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned 1st Additional District & Sessions Judge-cum- Special Judge, Excise, SC/ST (POA) Act, Saran at Chapra in connection with Manjhi P.S. Case No. 01 of 2021.

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

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