

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2063 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- SC/ST District- Darbhanga

1. KIRAN DEVI W/o Rakesh Yadav Resident of Village-Barhi, P.S-Keoti, District-Darbhangha.
2. Puspa Kumari D/o Rakesh Yadav Resident of Village-Barhi, P.S-Keoti, District-Darbhangha.
3. Dilip Yadav @ Dilip Kumar Yadav S/o Late Satya Narayan Yadav Resident of Village-Barhi, P.S-Keoti, District-Darbhangha.
4. Renu Devi W/o Dilip Yadav @ Dilip Kumar Yadav Resident of Village-Barhi, P.S-Keoti, District-Darbhangha.
5. Kundan Yadav @ Kundan Kumar Yadav S/o Late Satya Narayan Yadav Resident of Village-Barhi, P.S-Keoti, District-Darbhangha.
6. Mamta Devi W/o Kundan Yadav @ Kundan Kumar Yadav Resident of Village-Barhi, P.S-Keoti, District-Darbhangha.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the appellants and the

State through virtual mode.

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

The matter relates to grant of anticipatory bail to the
appellants in connection with Darbhanga SC/ST Case No. 14 of
2020 registered for the offences under Sections 341, 323, 354B,



504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(VA) of the SC/ST (POA) Act.

Allegedly, one Rakesh Yadav got opened the door of the informant at night on the pretext of injury of her husband and started ill treatment with her. The informant raised alarm upon which, the people assembled and Rakesh Yadav fled away. On next morning, when the informant went to house of Rakesh Yadav to complain the matter, the accused persons assembled there and abused the informant. It is also alleged that the accused persons assaulted the informant and took 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. The appellant Nos. 1, 2, 4 and 6 are ladies. The date of occurrence is said to be 22-12-2019. The case was instituted on 05-02-2020. The delay in instituting the FIR has not been explained by the prosecution. The prosecution has not come with clean hands. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. Specific allegation is against co-



accused Rakesh Yadav. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 29-06-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, (POA) Act, Darbhanga in Darbhanga SC/ST Case No. 14 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or 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 Additional District & Sessions Judge-Ist-cum-Special Judge, (POA) Act, Darbhanga in connection with Darbhanga SC/ST Case No. 14 of 2020.

(Sudhir Singh, J)

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