

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2013 of 2020

Arising Out of PS. Case No.-391 Year-2019 Thana- BHORE District- Gopalganj

1. SANTOSH YADAV Son of Ramadhar Yadav
2. Mithilesh Yadav Son of Ramadhar Yadav
Both are resident of Village- Nai Bazar Mairwa, Police Station- Mairwa and District- Siwan.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rama Nand Poddar

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-01-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 28.02.2020 passed by learned Special Judge, S.C./S.T Act, Gopalganj cum 1st Additional Sessions Judge, Gopalganj, in connection with Bhorey P.S. Case No. 391/2019 registered for the offences punishable under Sections 354/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on the alleged date of occurrence, while the informant was sitting at her door at about



08:00 A.M., these two appellants along with another appellant demanded loan money and, thereafter, entered into her house and caught her hand with wrong intention. It is further alleged that they assaulted the informant and abused her taking her caste name.

It is submitted on behalf of the appellants that they have been falsely implicated in this case and, in fact, the informant has taken loan and when the same was demanded by the petitioner, this false case has been lodged. It is further submitted that no injury has been caused to the informant and no case under Section 354 of the IPC is made out. It is next submitted that SC/ST Act is not attracted in this case as the occurrence is said to have been taken place inside the house not in public view.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 28.02.2020 passed by learned Special Judge, S.C./S.T Act cum 1st Additional Sessions Judge, Gopalganj, in connection with Bhorey P.S. Case No. 391/2019 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from



the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna, in connection with Bhorey P.S. Case No. 391/2019.

(Prabhat Kumar Singh, J)

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