

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2072 of 2020

Arising Out of PS. Case No.-60 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. NAND KISHORE RAI Son of Jawahar Lal Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.
 2. Upendra Kumar S/o Jawahar Lal Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.
 3. Munna Kumar S/o Nandi Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.
 4. Jawaharlal Rai S/o Late Baidyanath Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.
 5. Jang Bahadur Rai S/o Late Ramashish Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.
 6. Badri Rai S/o Tuna Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.
 7. Kiran Devi W/o Badri Rai Resident of Village-Chak Jamal, P.S.-Minapur, District-Muzaffarpur, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 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 Complaint Case No. 60 of 2018



registered for the offences under Sections 376, 511, 323, 504 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act.

Allegedly, on the alleged date and time of occurrence, the accused persons entered house of the complainant and started provoking her. On protest, the accused persons started assaulting 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 appellant No. 7 is a lady. On the earlier occasion also, similar complaint was filed by the complainant. She is in habit of instituting such cases against the appellants for oblique reasons. There is case and counter case between the parties. 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 09-07-2020 passed by learned Additional District & Sessions Judge-IXth-cum-Special Judge, SC/ST Act, Muzaffarpur in Complaint Case No. 60 of 2018 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-IXth-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Complaint Case No. 60 of 2018.

(Sudhir Singh, J)

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