

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3685 of 2021

Arising Out of PS. Case No.-88 Year-2021 Thana- DAUDPUR District- Saran

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1. MAULBI MIAN @ MOLWI MIYAN, Son of Bhangi Mian Resident of Village - Madansath, P.S.- Daudpur, Distt.- Saran.
 2. Rojadin Mian, Son of Bhangi Mian Resident of Village - Madansath, P.S.- Daudpur, Distt.- Saran.
 3. Khalmula Khatoon, W/o Maulbi Mian Resident of Village - Madansath, P.S.- Daudpur, Distt.- Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anant Kumar Bhaskar
For the Respondent/s : Ms. Usha Kumari-I

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-10-2021 Heard Mr. Anant Kumar Bhaskar, learned Advocate for the appellants and Ms. Usha Kumari, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 20.07.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra, in A.B.P. No. 1533 of 2021, arising out of Daudpur P. S. Case No. 88 of 2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under



Sections 341, 323, 324, 504, 379, 427, 506 and 34 of the Indian Penal Code and Section 3(1)(2)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the informant and her associates were abused, assaulted and demeaned because of their low descent.

The learned counsel for the appellants has submitted that there is a counter version of the occurrence and the reason for lodging the present case is past enmity because of land dispute.

The injuries suffered by the informant have been reported to be simple in nature.

The learned counsel for the appellants has submitted that the accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is only for the purposes of adding seriousness to the offence.

For the afore-stated reasons, the order dated



20.07.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra, with respect to the appellants, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra, in connection with Daudpur P. S. Case No. 88 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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