

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3688 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- MASAUDHI District- Patna

-
1. SERTHI BIND @ PRAMOD BIND @ SETHI BIND, S/o HANSH BIND
R/o VILLAGE-MATHIAPAR BLOCK ROAD, TAREGNA, P.S-
MASAURHI, DISTRICT-PATNA.
 2. GANESHI BELDAR @ GANESH BIND, S/o MAHAVIR BIND R/o
VILLAGE-MATHIAPAR BLOCK ROAD, TAREGNA, P.S-MASAURHI,
DISTRICT-PATNA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-10-2021 Heard Mr. Anil Kumar Singh, learned Advocate

for the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

06.07.2021, passed by the learned Additional District

Judge-III-cum-Special Judge, SC/ST, Patna, in A.B.P.

No. 4032 of 2021, arising out of Special Case No. 102

of 2021 (Masaurhi P. S. Case No. 170 of 2021),

whereby the prayer made on behalf of the appellants for

grant of anticipatory bail for the offences punishable



under Sections 341, 323, 447, 354 and 34 of the Indian Penal Code and Section 3(I)(r)(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 appellant no. 2 entered in the house of the sister of the informant and tried to outrage the modesty of her 16 years old daughter. When an alarm was raised, many persons arrived and it has been alleged that appellant no. 1 and others assaulted the informant and other members of the prosecution party.

The learned counsel for the appellants has submitted that there was a clash between the two families on a day prior to the festival of Holi and for that reason, the subject F.I.R. has been lodged unnecessarily to avenge such enmity.

However, regard being had to the nature of accusation against appellant no. 2, I am not inclined to interfere with the order impugned so far as he is



concerned.

The appeal with respect to appellant no. 2 is, hereby, rejected.

Should he surrender before the court below and seeks bail, his application shall be considered on its own merits, without being prejudiced by the fact that the present application on his behalf has not been entertained by this Court.

The accusation against appellant no. 1 is of assaulting the informant and others when appellant no. 2 was misbehaving with the 16 years old daughter of the sister of the informant.

In view of the general nature of accusation against appellant no. 1 and there being nothing in the F.I.R. to indicate that there was any breach of provision of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appeal with respect to him is allowed.

The order dated 06.07.2021, passed by the



learned Additional District Judge-III-cum-Special Judge, SC/ST, Patna, with respect to appellant no. 1, is set aside.

The appellant no. 1, above-named, is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 102 of 2021 (Masaurhi P. S. Case No. 170 of 2021), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The appeal stands disposed off.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

