

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3890 of 2021

Arising Out of PS. Case No.-273 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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1. PUJA KUMARI, DAUGHTER OF SRI RAJBALI PRASAD R/O MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
 2. PINKI KUMARI @ SWANI RANI DAUGHTER OF SRI RAJBALI PRASAD R/O MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
 3. OM PRAKASH KUMAR SON OF SRI RAJBALI PRASAD R/O MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
 4. PRIYANSHU RAJ SON OF SRI RAJBALI PRASAD R/O MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
 5. NIRMALA DEVI WIFE OF SRI RAJBALI PRASAD R/O MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
 6. RAJ BALI PRASAD SON OF LATE RAMESHWAR SAW R/O MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Kant Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Ravi Kant Kumar, learned Advocate

for the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

10.08.2021, passed by the learned Special Judge



SC/ST-cum-Additional District and Sessions Judge-I, Aurangabad, in A.B.P. No. 900 of 2021, arising out of Special Case SC/ST No. 97 of 2021 (Aurangabad Town P. S. Case No. 273 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 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of abusing and assaulting the informant and others and also of persuading them to sell the house at cheap price because the locality is dominated by higher caste people.

The learned Advocate for the appellants has submitted that the accusation is absolutely false. For the same occurrence, two cases have been registered. There appears to be some dispute with respect to sale and purchase of a house. Merely to add seriousness to the



case, the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been included.

For the afore-stated reasons, the order dated 10.08.2021, passed by the learned Special Judge SC/ST-cum-Additional District and Sessions Judge-I, Aurangabad, 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 Special Judge SC/ST-cum-Additional District and Sessions Judge-I, Aurangabad, in connection with Special Case SC/ST No. 97 of 2021 (Aurangabad Town P. S. Case No. 273 of 2021), subject to the conditions



as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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