

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3859 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- SC/ST District- Aurangabad

1. PUJA KUMARI DAUGHTER OF SRI RAJBALI PRASAD RESIDENT OF MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT-AURANGABAD, BIHAR
2. PINKI KUMARI @ SWANI RANI DAUGHTER OF SRI RAJBALI PRASAD RESIDENT OF MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
3. OM PRAKASH KUMAR SON OF SRI RAJBALI PRASAD RESIDENT OF MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
4. PRIYA ANSHU RAJ SON OF SRI RAJBALI PRASAD RESIDENT OF MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
5. NIRMALA DEVI WIFE OF SRI RAJBALI PRASAD RESIDENT OF MOHALLA- SHAHPUR, NEAR YADAV COLLAGE, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD, BIHAR
6. RAJ BALI PRASAD SON OF LATE RAMESHWAR SAO RESIDENT OF 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- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

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

Advocate for the appellants and Binay Krishna, the 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-1st, Aurangabad in connection with Special Case SC/ST No.98 of 2021 arising out of Aurangabad SC/ST P. S. Case No.13 of 2021, instituted for the offences under Sections 341, 323, 504, 506, 379/ 34 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail 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 SC/ST (P.O.A.) Act have been included.

Regard being had to the aforesaid submissions, the order dated 10.08.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their



arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST-cum- Additional Sessions Judge-1st, Aurangabad in connection with Special Case SC/ST No.98 of 2021 arising out of Aurangabad SC/ST P. S. Case No.13 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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