

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.231 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- KORHA District- Katihar

1. KHUSBU KUMARI D/o Sikendra Yadav Resident of Village - and Panchayat- Rampur, P.S.- Kodha, Distt.- Katihar.
2. Promod Yadav @ Julmi Yadav Son of Sikendra Yadav Resident of Village - and Panchayat- Rampur, P.S.- Kodha, Distt.- Katihar.
3. Dahogni Devi W/o Sikendra Yadav Resident of Village - and Panchayat- Rampur, P.S.- Kodha, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sagar Suman
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2021 Heard the learned counsel for the appellants
and Sri Sadanand Paswan, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”) against the refusal of prayer of anticipatory bail vide order dated 08.09.2020, passed by the learned Additional District & Sessions Judge I-cum-Special Judge (SC/ST Act), Katihar in anticipatory bail petition no. 39 of 2020, arising out of Korha PS case no. 207 of 2020 under Sections 341, 323, 307, 504, 506/34 of



Indian Penal Code and 3(1)(r)(s) of SC/ST Act.

At the outset, the learned counsel for the appellants has submitted that the appellant no. 2 has been arrested, as such the present petition has become infructuous *qua* the appellant no. 2.

Accordingly, the present petition *qua* the appellant no. 2 stands dismissed as not pressed.

The allegation is regarding the accused persons including the appellants herein having abused the informant and her family members and they are also stated to have assaulted them with sticks, however the co-villager had arrived and the informant and other family members were rescued and sent for treatment.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted by the learned counsel for the appellants that there is no specific allegation regarding the appellants no. 1 and 3 having abused the informant and others by taking caste specific name, hence no offence is made out under the provisions of the Scheduled Castes &



Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted that a general and omnibus allegation of assault has been levelled against the appellants.

Per contra, the learned Spl.PP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the appellants no. 1 and 3, who are females and are having clean antecedents, apart from the fact that they have not abused the informant and others by taking any caste specific name, I find that no offence is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 as against the appellants no. 1 and 3, thus I deem it fit and proper to admit the appellants no. 1 and 3 to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants no. 1 and 3, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail



bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions 1st-cum-Special Judge (SC/ST Act), Katihar in connection with Korha PS case no. 207 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated dated 08.09.2020, passed by the learned Additional District & Sessions Judge I-cum-Special Judge (SC/ST Act), Katihar in connection with Korha PS case no. 207 of 2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

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

