

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.809 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- SC/ST District- Vaishali

1. Nirmala Sinha @ Nirmala Devi, Female, aged about 50 years, Wife Of Mahesh Singh, Resident Of Village- Tangaul, P.S- Hajipur Nagar, District- Vaishali.
2. Rita Verma @ Rita Devi, Female, aged about 44 years, Wife Of Umesh Singh, Resident Of Village- Tangaul, P.S-Hajipur Nagar, District-Vaishali.
3. Sumit Kumar @ Nukul Kumar, Male, aged about 27 years, Son Of Mahesh Singh, Resident Of Village- Tangaul, P.S-Hajipur Nagar, District-Vaishali.
4. Dinesh Prasad Singh @ Dinesh Singh, Male, aged about 43 years, Son Of Ram Bilash Singh, Resident Of Village- Tangaul, P.S-Hajipur Nagar, District-Vaishali.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants : Mr. Manohar Prasad Singh, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The matter relates to grant of anticipatory bail to the
appellants in A.B.P. No. 2374/2020 in connection with SC/ST
P.S. Case No. 43/2020, registered for the offences under
Sections 341, 323, 448, 379, 504, 506/34 of the I.P.C. and 3(1)
(r)(w)(s) (1) of the SC/ST Act.



The prosecution case, in short, is that the children of the informant went at the door of Mahesh Singh then in the night, Mahesh Singh, Dinesh Singh, Umesh Singh, Nirmala Devi and Nukul Kumar @ Sumit Kumar came at her door and abused by saying her caste name and Mahesh Singh by catching Collar put on the ground and assaulted with fists and slaps. Nirmala Devi took her ear-ring worth Rs. 20,000/- and Mangalsutra of gold worth Rs. 10,000/-.

It has been submitted on behalf of the appellants that the appellant no. 2 has got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. The appellant nos. 1 and 2 are ladies. There is admitted land dispute between the parties. For the said reason, the present case has been instituted. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06.10.2020, passed in connection with SC/ST P.S. Case No. 43/2020 by learned Ist Additional District & Sessions



Judge-cum-Special Judge, Vaishali at Hajipur, is set aside. The criminal appeal is allowed.

Accordingly, the appellants above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Ist Additional District & Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with SC/ST P.S. Case No. 43/2020.

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(Sudhir Singh, J)

