

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.850 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- NAUBATPUR District- Patna

1. KHUSHBU KUMARI D/O- Purnmasi Mistri Resident of Village- Chak Chichaul, Mahrajganj, P.S. - Naubatpur, District - Patna.
2. Rani Kumari D/o Purnmasi Mistri Resident of Village- Chak Chichaul, Mahrajganj, P.S. - Naubatpur, District - Patna.
3. Raja Mistri Son of Purnmasi Mistri Resident of Village- Chak Chichaul, Mahrajganj, P.S. - Naubatpur, District - Patna.
4. Priti Devi @ Priti Kumari Wife of Sonu Kumar, D/O- Purnmasi Mistri Resident of Village- Chak Chichaul, Mahrajganj, P.S. - Naubatpur, District - Patna.
5. Asha Devi Wife of Raja Kumar @ Raja Mistri Resident of Village- Chak Chichaul, Mahrajganj, P.S. - Naubatpur, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Special Case No. 154 of 2020 arising out of Naubatpur P.S. Case No. 153 of 2020 registered for the offences under Sections 341, 323, 325, 379/504 and 34



of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, one of the appellants and others entered house of the informant and started abusing her. It is also alleged that one Purnmashi Mistry assaulted the informant with lathi as a result of which, her hand got fractured. Gold chain is also alleged to have been taken from the neck of the informant.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Due to previous enmity, the present case has been instituted. No grievous injury is said to have been caused in course of the occurrence. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 24-09-2020 passed by learned Special Judge, SC/ST Act, Patna in Special Case No. 154 of 2020 arising out of Naubatpur P.S. Case No. 153 of 2020 is set aside. The present Criminal



Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 154 of 2020 arising out of Naubatpur P.S. Case No. 153 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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