

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5416 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- BIDUPUR District- Vaishali

1. SHARDA DEVI W/o Ram Pravesh Roy Resident of Village - Dilwarpur, Goberdhan, P.S.- Bidupur, Distt.- Vaishali.
2. Ranjeet Roy @ Ranjit Kumar Son of Deo Nandan Roy Resident of Village - Dilwarpur, Goberdhan, P.S.- Bidupur, Distt.- Vaishali.
3. Arvind Roy Son of Shatrudhan Roy Resident of Village - Dilwarpur, Goberdhan, P.S.- Bidupur, Distt.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-02-2021 Heard learned counsel for the appellants and learned counsel for the State.

The appellants have challenged the order dated 24.09.2019 passed by learned Addl. Sessions Judge-1st -cum- Special Judge, Hajipur, Vaishali in ABP No. 1823/2019 and A.B.P. No. 2001/19 in connection with Bidupur P.S. Case No. 3 of 2019 registered for the offences under sections 341, 323, 324, 307, 379, 447, 504, 506, 354/34 of the Indian Penal Code and 3(i)(c)(r) (s) of the SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.



Prosecution allegation, in short, is that the accused persons, variously armed, came to the door of the informant and abused the informant by taking her caste name. The accused persons also tried to outrage her modesty.

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. Specific allegation is against co-accused Sanjay Rai. As far as appellants are concerned, general and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 24.09.2019 passed by learned Addl. Sessions Judge-1st -cum- Special Judge, Hajipur, Vaishali in ABP No. 1823 of 2019 by which the anticipatory bail of the appellants was rejected.

Let the appellants above named, in the event of



arrest/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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-1st -cum- Special Judge, Hajipur, Vaishali in connection with Bidupur P.S. Case No. 3 of 2019.

The appeal stands allowed.

(Sudhir Singh, J)

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