

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2586 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- DUMRA District- Sitamarhi

1. Ram Naresh Kapar @ Naresh Kapar Son Of Late Gyan Chand Kapar Resident Of Village - Hanuman Nagar, P.S. - Dumra, District - Sitamarhi.
2. Anandi Devi Wife Of Ram Naresh Kapar @ Naresh Kapar Resident Of Village - Hanuman Nagar, P.S. - Dumra, District - Sitamarhi.
3. Sanjay Kumar @ Sanjay Kapar Son Of Ram Naresh Kapar @ Naresh Kapar Resident Of Village - Hanuman Nagar, P.S. - Dumra, District - Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra
For the Opposite Party/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 08-08-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 379/ 34 of the Indian Penal Code, Sections 3(1)(r)(s)/ 2(va) of the SC/ST Act and Section 8 of the POCSO Act.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a woman and the informant alleges that she has a grocery shop in which Uday Kapar, who is a criminal wanted her to sell



ganja and on refusal, used to threatened her and even misbehaved and touched her minor daughter in appropriately. It is next alleged that on 27.07.2021, he misbehaved with his minor daughter with wrong intention which she disclosed after coming back home. Thus, alleges that on coming to know about the misbehaviour of Uday Kapar, the informant was going to his house when on the way, the petitioners met, who assaulted her and abused her by taking her caste name and petitioner no.2 took her nose-pin.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the thrust of the allegation is against Uday Kapar. It is further submitted that as far as these petitioners are concerned, against them it is alleged that when informant was going to the house of Uday Kapar, they met and they abused and assaulted her and petitioner no.2 took her nose-pin. It is further submitted that the F.I.R. does not disclose what abuse was hurled at the informant. It is also submitted that as far as allegation of taking nose-pin is concerned, the same is ornamental in nature. It is next submitted that prima facie no offence under the SC/ST (P.O.A.) Act is



made out in the nature of allegation as alleged in the F.I.R., as such, no notice is required on the informant.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dumra P. S. Case No.272 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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