

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.190 of 2022

Arising Out of PS. Case No.-403 Year-2021 Thana- BIBHUTIPUR District- Samastipur

VISHNUDEV RAI @ VISHUNDEV RAI @ MANTON RAI S/O RAM
NARESH RAY R/o village- Chakhabib, Ward No. 13, P.S.- Vishbutipur,
District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Munchun Devi W/o Gopal Das R/o village- Chakhabib, P.S.- Vishbutipur,
District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 23.12.2021 passed by learned Special Judge, Schedule Caste and Schedule Tribe (POA), Act, Samastipur in a case registered for the offence punishable under Sections 341, 323, 354(B) and 379 of the Indian Penal Code and Sections 3(i)(r)(s) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of outraging the modesty and assaulting to the complainant who is a lady aged about 51 years.

It is submitted by learned counsel for the appellant that appellant as alleged not committed any offence in public view insulting to the complainant and the provision of SC/ST



Act is not attracted because of the occurrence was not occurred in public place. He further submits that there is case and counter case between the parties and the appellant has no intention to insult the informant being a member of the SC/ST community.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 23.12.2021 passed in ABP No.2692 of 2021 is hereby set aside.

The appellant is directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Pranav Kumar Jha, Special Judge, Schedule Caste and Schedule Tribe, (POA) Act, Samastipur in connection with Vibhutipur P.S. Case No. 403 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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