

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.254 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- PARSABAZAR District- Patna

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1. Lalita Devi W/o Shri Raj Kishore Prasad @ Raj Kishore Prasad @ Raj Kishor Praswad Gupta Resident of Village - Rahimpur, Bodhachak Road, P.S.- Parsabazar, Distt.- Patna.
 2. Sanju Devi W/o Sri Sunil Kumar @ Sunil Kumar Resident of Village - Rahimpur, Bodhachak Road, P.S.- Parsabazar, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Durgawati Kumari W/o Binod Ram Resident of Village - Rahimpur, Bodhachak Road, P.S.- Parsabazar, Distt.- Patna.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 26.11.2021 passed by the learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Patna in connection with Parsa Bazar P.S. Case No. 343 of 2021 instituted for the offences punishable under Sections 147, 149, 341, 323, 504, 337, 306 of the Indian Penal Code and Section 3(i)(x) of the SC & ST (Prevention of



Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case and in the background of some petty dispute, the present case has been lodged. There is no injury report on record. Moreover, other co-accused have been granted bail by a coordinate Bench of this Court vide Cr. Appeal (SJ) No. 408 of 2022. From perusal of the F.I.R, it appears that the provisions under SC/ST Act would not be applicable in the case of the appellants. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 26.11.2021 passed by the learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Patna.



Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Patna in connection with Parsa Bazar P.S. Case No. 343 of 2021.

(Sunil Kumar Panwar, J)

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