

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.232 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- SC/ST District- Samastipur

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1. Raj Kumar Roushan Son Of Suresh Poddar Resident Of Village - Lohagir, Ward No.11, P.S.- Ujiyarpur, Distt.- Samastipur.
 2. Sonu Kumar @ Mukesh Kumar Son of Suresh Poddar Resident of Village - Lohagir, Ward No.11, P.s.- Ujiyarpur, Distt.- Samastipur.
 3. Rakesh Kumar @ Rakesh Kumar Poddar Son of Suresh Poddar Resident of Village - Lohagir, Ward No.11, P.s.- Ujiyarpur, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Kumari Widow of Late Ram Pravesh Ram Resident of Village- Chando Patti, Ward no-04, P.S and District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Jha
For the Respondent/s	:	Mr. Abhay Kumar
		Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-08-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

21.12.2021 passed by learned Special Judge, SC/ST

(POA), Act, Samastipur in connection with Samastipur

SC/ST P.S. Case No. 59 of 2021 instituted for the

offences punishable under Sections 341, 323, 354(B),

420, 504, 506/34 of the Indian Penal Code and Sections



3(i)(r)(s)(w), 3(2)(va) 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, outraging the modesty and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case. As per F.I.R, the occurrence took place in the house of the appellants, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. Moreover, for the alleged occurrence of 05.10.2021, F.I.R has been registered on 11.10.2021 without any plausible explanation. 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 21.12.2021 passed by learned Special Judge, SC/ST



(POA), Act, Samastipur in connection with Samastipur
SC/ST P.S. Case No. 59 of 2021.

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 Special Judge, SC/ST
(POA), Act, Samastipur in connection with Samastipur
SC/ST P.S. Case No. 59 of 2021.

(Sunil Kumar Panwar, J)

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