

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.318 of 2022

Arising Out of PS. Case No.-353 Year-2020 Thana- JAYNAGAR District- Madhubani

1. PRAMESHWAR SAHU @ PRAMESHWAR SAH SON OF LATE BHUTAI SAH RESIDENT OF VILLAGE- BARHI GODH, WARD NO. 9, P.S.- JAINAGAR, DISTRICT- MADHUBANI
2. MUNILA DEVI @ MUNIBA DEVI WIFE OF PRAMESHWAR SAHU @ PRAMESHWAR SAH RESIDENT OF VILLAGE- BARHI GODH, WARD NO. 9, P.S.- JAINAGAR, DISTRICT- MADHUBANI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gagandeo Yadav, Advocate
		Mr.Ravi Prakash, Advocate, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-09-2022 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 19.06.2021 in A.B.P. No. 420 of 2021 passed by the learned 1st Additional Sessions Judge, Madhubani in connection with Jainagar P.S. Case No. 353 of 2020 registered for the offences punishable under Sections 341, 323, 354(B), 379, 504 and 34 of the Indian Penal Code as well as Sections 3(i)(x) of



the SC/ST Act.

The informant alleges that on 11.09.2020 at 8:00 am, she had gone to her garden when the accused persons, including the appellants, came abusing her and Amit started assaulting and on alarm when her husband and children came to save her, they were also assaulted and the family suffered injury, it is next alleged that Parmeshwar (appellant no.1) and Uday disrobed her and abused her husband by taking caste name and the accused persons also snatched Rs. 7,000/- and Munila Devi (appellant no.2) took nose ring of the informant.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the F.I.R. it would manifest that *prima-facie* no offence is made out against the appellants under the S.C./S.T. Act as even presuming what has been alleged is true, without admitting, then the entire occurrence took place in the garden of the informant. Learned counsel next submits that as far as allegation of disrobing the informant is concerned, the same is ornamental in nature and the appellant no. 2 who is a woman has been roped falsely as she is related to the accused persons, including the appellant no.1, it is



thus submitted that since *prima-facie* no offence is made out as such notices are not required to be sent to the informant.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 19.06.2021 in A.B.P. No. 420 of 2021 passed by the learned 1st Additional Sessions Judge, Madhubani in connection with Jainagar P.S. Case No. 353 of 2020 is hereby set aside and the appellants above-named, in the event of their arrest or 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. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jainagar P.S. Case No. 353 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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