

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.306 of 2022

Arising Out of PS. Case No.-600 Year-2019 Thana- PATLIPUTRA District- Patna

1. Hari Saw Son of Late Kundan Saw Resident of Village - Nehru Nagar Near Rama Dental College, P.s.- Patliputra, Distt.- Patna.
2. Bahadur Rai Son of Late Lakhon Rai Resident of Village - Nehru Nagar Near Rama Dental College, P.s.- Patliputra, Distt.- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Bhardwaj

For the Respondent/s : Mr. Sadanand Paswan

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 28.10.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No. 611 of 2019, arising out of Patliputra P.S. Case No. 600 of 2019 instituted for the offences punishable under Sections 147, 149, 448, 380, 427 of the Indian Penal Code and Section 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, taking away household articles and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case. There is general and omnibus allegation against the appellants. As per F.I.R, the occurrence took place in the house of the informant, not in public view. Hence, 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 28.10.2021 passed by the learned Additional Sessions 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 Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No. 611 of 2019, arising out of Patliputra P.S. Case No. 600 of 2019.

(Sunil Kumar Panwar, J)

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