

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.879 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- VAISHALI District- Vaishali

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1. Mukund Kumar @ Mukund Rai Son Of Late Laxaman Rai Resident Of Village - Patadha Buzurg, P.S.- Vaishali (Belsar O.P.), District - Vaishali.
 2. Shanti Devi Wife of Bali Rai Resident of Village - Patadha Buzurg, P.S.- Vaishali (Belsar O.P.), District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bima Devi Wife of Dinesh Kumar Rai Resident of Village - Patadha Buzurg, P.S.- Vaishali, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 17-11-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 02.02.2022 passed by learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 389 of 2021 instituted for the offences punishable under Sections 341, 323, 354, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r), 3(2)(r) 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 of the informant and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case. It is further submitted that wife of the appellant No. 1 had lodged Vaishali P.S. Case No. 245 of 2020 against the brother-in-law of the informant. Hence, as a retaliatory measure, this false case has been registered against the appellants. Moreover, the occurrence took place inside the house of the informant. 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 02.02.2022 passed by learned Special Judge, SC/ST,



Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 389 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, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 389 of 2021.

(Sunil Kumar Panwar, J)

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