

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.985 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- KASMA District- Aurangabad

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1. SARITA KUMARI Daughter of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 2. Gita Kumari Daughter of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 3. Sunil Yadav Son of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 4. Yogendra Yadav Son of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 5. Bishundeo Yadav Son of Jagdeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 6. Maniya Devi @ Rajmaniya Devi Daughter of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 7. Anil Yadav Son of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.
 8. Gora Yadav Son of Bishundeo Yadav Resident of Village - Bhaduki Khurd, P.S.- Kasma, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jeera Devi Wife of Ram Briksh Ram Resident of Village - Bhaduki, P.S.- Kasma, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Special P.P.
For the Informant	:	Ms. Rupa Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-07-2022 Learned counsel for the appellants seeks permission
to withdraw the appellant no.8, namely, Gora Yadav.

Permission is accorded.

Accordingly, the petition of appellant no.8, namely,
Gora Yadav is dismissed as infructuous.



Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present appeal is directed against the order dated 26.02.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad in a case registered for the offence punishable under Sections 341, 323, 354 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Prevention of Atrocities on SC/ST Act, whereby anticipatory bail of the appellants have been rejected.

It is a case of assaulting and outraging the modesty of the informant and also tearing of the cloth of the informant.

It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention to the appellants to outrage the modesty and insult to the informant and being a member of the SC/ST community and it is also submitted that the place of occurrence was not occurred in public place.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the



impugned order dated 26.02.2022 passed in ABP No.279 of 2022 is hereby set aside.

The appellants, namely, Sarita Kumari, Gita Kumari, Sunil Yadav, Yogendra Yadav, Bishundeo Yadav, Maniya Devi @ Rajmaniya Devi and Anil Yadav be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Aurangabad in connection with Kasma P.S. Case No. 02 of 2022.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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