

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1122 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- HASANPUR District- Samastipur

1. BITTU JHA Son of Late Sonelal Jha Resident of Village - Rampur, P.S.- Hasanpur, District - Samastipur, Bihar
2. Amarjeet Jha Son of Late Sonelal Jha Resident of Village - Rampur, P.S.- Hasanpur, District - Samastipur, Bihar
3. Varun Jha Son of Late Sonelal Jha Resident of Village - Rampur, P.S.- Hasanpur, District - Samastipur, Bihar
4. Rajneesh Jha Son of Late Sonelal Jha Resident of Village - Rampur, P.S.- Hasanpur, District - Samastipur, Bihar
5. Mundrika Devi Wife of Late Sone Lal Jha Resident of Village - Rampur, P.S.- Hasanpur, District - Samastipur, Bihar

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the appellants and learned
Special P.P for the State.

The appellants have challenged the order dated 27.01.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Samastipur in connection with A.B.P. No. 75 of 2022 arising out of Hasanpur P.S. Case No. 183 of 2021 instituted for the offences punishable under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s) 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. There is a case and counter case between the parties and there is general and omnibus allegation against the appellants. As per F.I.R, the occurrence has not committed in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 27.01.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Samastipur in connection with Hasanpur P.S. Case No. 183 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 his 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, Samastipur
in connection with Hasanpur P.S. Case No. 183 of 2021.

(Sunil Kumar Panwar, J)

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