

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1100 of 2022**

Arising Out of PS. Case No.-18 Year-2022 Thana- KONCH District- Gaya

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Dharmendra Sao @ Tuntun Sao @ Dharmendra Saw Son Of Tapeshwar Saw  
Resident Of Village- Pradhana, P.S.- Konch, Dist- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Birju Paswan S/o Baleshwar Paswan Resident of Village- Pradhana, P.S.-  
Konch, Dist- Gaya.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Sanjay Kumar  
For the Respondent/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      21-07-2022                      Heard learned counsel for the appellant and  
  
learned Special P.P for the State.

The appellant has challenged the order dated  
  
09.03.2022 passed by the learned Exclusive Special  
  
Judge, SC/ST, Gaya in connection with Konch P.S. Case  
  
No. 18 of 2022 instituted for the offences punishable  
  
under Sections 354(B) of the Indian Penal Code and  
  
Section 3(1)(w) of the SC & ST (Prevention of  
  
Atrocities) Act, whereby his prayer for being released on  
  
anticipatory bail has been rejected.

It is alleged that this appellant made an



attempt to outrage the modesty of the wife of the informant and abused by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some previous dispute, the present case has been lodged. As per F.I.R, the occurrence took place in the house, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 09.03.2022 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Konch P.S. Case No. 18 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named is directed to be released on bail in the event of his arrest or surrender



within a period of four weeks from today and on his  
furnishing bail bonds of Rs. 10,000/-(ten thousand)  
with two sureties of the like amount each to the  
satisfaction of learned Exclusive Special Judge, SC/ST,  
Gaya in connection with Konch P.S. Case No. 18 of  
2022.

**(Sunil Kumar Panwar, J)**

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