

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1060 of 2022**

Arising Out of PS. Case No.-4 Year-2020 Thana- BIDUPUR District- Vaishali

1. Manorma Devi W/o Prem Chandra Prasad Resident of Village - Mahajan Tola, P.S.- Hajipur Town, Distt.- Vaishali.
2. Prem Chandra Prasad Son of Late Ram Chandra Prasad Resident of Village - Mahajan Tola, P.S.- Hajipur Town, Distt.- Vaishali.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mr.Sadanand Paswan

**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 22.01.2020 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 04 of 2020 instituted for the offences punishable under Sections 341, 323/34 of the Indian Penal Code and Section 3(1)(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 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 has not committed 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 22.01.2020 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 04 of 2020.

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 District & Sessions
Judge-I-cum-Special Judge, SC/ST Act, Vaishali at
Hajipur in connection with Bidupur P.S. Case No. 04 of
2020.

(Sunil Kumar Panwar, J)

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