

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1117 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- BARACHATTI District- Gaya

1. ANITA DEVI W/o Surendra Sao Resident of Village- Dharhara, P.S.- Mohanpur, District- Gaya.
2. Kanti Devi W/o Gajadhar Sao Resident of Village- Dharhara, P.S.- Mohanpur, District- Gaya.
3. Vicky Kumar @ Bobby Kumar Son of Gajadhar Sao Resident of Village- Dharhara, P.S.- Mohanpur, District- Gaya.
4. Sunny Kumar Son of Surendra Sao Resident of Village- Dharhara, P.S.- Mohanpur, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod 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 23.02.2022 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 23 of 2022 arising out of Barachati (Mohanpur) P.S. Case No. 277 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 504 and 506 of the Indian Penal Code and Section 3(i)(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 and abusing by calling caste name.

Learned counsel for the appellants seeks permission to withdraw the appeal with regard to appellant No. 1 namely Anita Devi since she has been arrested.

Permission is accorded.

Accordingly, the appeal with regard to appellant Nos. 1 is permitted to be withdrawn.

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 and both the parties have sustained injuries as alleged separate incident and doctor opined injury is simple in nature. 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 23.02.2022 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya.

Accordingly, this appeal is allowed.

The appellants, above named, except appellant No. 1



is 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 23 of 2022 arising out of Barachatti P.S. Case No. 277 of 2021.

(Sunil Kumar Panwar, J)

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