

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1116 of 2022

Arising Out of PS. Case No.-511 Year-2020 Thana- CHOUTARWA District- West
Champaran

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1. Atwari Devi Wife Of Ramayan Baitha Resident Of Village - Baswariya, Ward No.- 7, P.S.- Choutarwa, District - West Champaran.
 2. Meena Devi Wife Of Bhagelu Baitha Resident Of Village - Baswariya, Ward No.- 7, P.S.- Choutarwa, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi Wife of Santosh Baitha Resident of Village - Baswariya, Ward No.- 7, P.S.- Choutarwa, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Vijay Kumar Singh No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-12-2022 Heard learned counsel for the appellants, learned counsel for the Informant and learned Special Public Prosecutor.

The present appeal is directed against the order dated 11.01.2022 passed by learned Ist Additional District & Sessions Judge-cum-Special Judge, (SC/ST), Bettiah, West Champaran in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354, 379, 447 and 504/34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST Act whereby anticipatory bail of the appellants has been rejected.

It is a case of assault upon the informant who is a member of SC/ST community.



It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellant to insult the informant who is a member of the SC/ST community and there is no specific allegation of assault against the appellants.

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 facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 11.01.2022 passed in ABP No.2652 of 2021 is hereby set aside.

The appellants are directed to 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 Ist Additional District & Sessions Judge-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Choutarwa P.S. case No. 511 of 2020.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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