

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1320 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- DORIGANJ District- Saran

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1. SUBASH SINGH @ SUBASH KUMAR SINGH S/o- Sitaram singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  2. LALMUNI DEVI W/o- Upendra Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  3. SINGARO DEVI W/o- Sitaram Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  4. MANJU DEVI W/o- Subash Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  5. RUBI DEVI @ RUBI SINGH W/o- Mukesh Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  6. RUBI DEVI @ RUBI SINGH W/o- Amit Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  7. MADHU KUMARI D/o- Subash Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  8. AMIT SINGH S/o- Sitaram Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  9. MUKESH SINGH S/o- Upendra Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.
  10. UPENDRA SINGH S/o- Late Ramsaresh Singh Resident of Village - Phulchak Rasalpura, P.S. - Doriganj, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohan Paswan S/o- Late Parmeshwar Paswan Resident of Vill. - Chamatha, P.S. - Vidhyapati Nagar, District - Samastipur.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rakesh Mohan Singh, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      31-08-2022      Heard learned counsel for the appellants and learned  
Spl.P.P. for the State.

Learned counsel for the appellants, at the outset, seeks



permission to withdraw the present appeal against the appellant no.1 as he was arrested during pendency of the present appeal.

Permission is accorded.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 29.03.2022 in ABP No. 826 of 2022 passed by the learned Additional District and Sessions Judge-3<sup>rd</sup>-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Doriganj P.S. Case No. 07 of 2022 registered under Sections Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants next submits that appellant nos. 4, 7, 8, 9 and 10 have antecedent of two cases and rest of the appellants are persons with clean antecedent and the informant alleges that he along with others were working in the house of Vinay Kumar Singh when all the accused persons, including the appellants, came and started abusing them by calling caste name and even pelted stones and threatened to leave the work, it is next alleged that they were saved on



intervention of Vinay and other persons, as detailed in the FIR.

Learned counsel for the appellants submits that from bare perusal of allegation as alleged in the FIR, it would manifest that appellants have been falsely implicated in the present case, it is next submitted that the FIR does not disclose as to what abuses were hurled on the informant and his colleagues, it is also submitted that whatever happened, happened in the house of Vinay as such the same was not in public view, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that whatever happened, happened prior to Vinay and others coming at the place of occurrence which further goes to demonstrate that whatever happened was not in presence of any person, as such prima-facie no case under the SC/ST Act and rest of the sections are bailable.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellants.

Considering the submissions made by the learned counsel for the appellants, the order dated 29.03.2022 in ABP No. 826 of 2022 passed by the learned Additional District and Sessions Judge-3rd-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Doriganj P.S. Case No. 07 of



2022 is hereby set aside and the appellant nos. 2 to 10, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Doriganj P.S. Case No. 07 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Shivam/-

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