

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1194 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

-
1. ANIL JHA S/o Late Vishwanath Jha Resident of Lalguniya, Suryakanth, P.S. - Samastipur (Muffasil), District - Samastipur.
 2. Gaurav Jha S/o Anil Jha Resident of Lalguniya, Suryakanth, P.S. - Samastipur (Muffasil), District - Samastipur.
 3. Govind Jha S/o Anil Jha Resident of Lalguniya, Suryakanth, P.S. - Samastipur (Muffasil), District - Samastipur.
 4. Praveen Jha Late Vishwanath Jha Resident of Lalguniya, Suryakanth, P.S. - Samastipur (Muffasil), District - Samastipur.
 5. Surendra Jha Son of Late Ram Dayal Jha Resident of Lalguniya, Suryakanth, P.S. - Samastipur (Muffasil), District - Samastipur.
 6. Dhiraj Jha Son of sunil Jha Resident of Lalguniya, Suryakanth, P.S. - Samastipur (Muffasil), District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raj Kumar Das Son of Late Bideshi Das Resident of Village - Lagunia, Ward No. 17, P.S. - Samastipur (Muffasil), District - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saket Kumar
For the Respondent/s : Mr.Binay Krishna

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
15.03.2022 passed by the learned Special Judge, SC/ST Act,
Samastipur in connection with Samastipur Muffasil P.S. Case
No. 51 of 2021 instituted for the offences punishable under
Sections 341, 323, 324, 504, 427, 143 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.

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. It is further submitted that there is case and counter case between the parties. 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 15.03.2022 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Samastipur Muffasil P.S. Case No. 51 of 2021.

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 Special



Judge, SC/ST Act, Samastipur in connection with Samastipur
Muffasil P.S. Case No. 51 of 2021.

(Sunil Kumar Panwar, J)

mdrashid/-

U		T	
---	--	---	--

