

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1279 of 2022**

Arising Out of PS. Case No.-51 Year-2019 Thana- SC/ST District- Jehanabad

1. Urmila Devi, W/O Mundrika Prasad Resident Of Village- Pahai Bigha, P.S.- Kako, District- Jehanabad.
2. Surjeet Kumar, S/O Mundrika Prasad Resident Of Village- Jalley, P. S.- Jalley, District- Darbhanga.
3. Dheeraj Kumar @ Dheeraj Raj, S/O Aditya Prasad Resident Of Village- Obhiyachak, P.S.- Kako, District- Jehanabad.
4. Ravi Kumar, S/O Ramnarayan Prasad Resident Of Village- Obhiyachak, P.S.- Kako, District- Jehanabad.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                      |
|----------------------|---|----------------------|
| For the Appellant/s  | : | Mr. Santosh Kumar    |
| For the Respondent/s | : | Ms. Usha Kumari 1    |
|                      |   | Mr. Sunil Srivastava |

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

2      14-09-2022                      Heard learned counsel for the appellants, learned counsel for the informant and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 26.03.2022 passed by the learned Additional District & Sessions Judge-cum-Special Judge-1st, SC/ST Act, Jehanabad in connection with Jehanabad SC/ST P. S. Case No.51 of 2019, instituted for the offences under Sections 147, 149, 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) (w) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for



grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.1 is a woman aged about 50 years and the informant alleges that she along with her husband went to see their house at Paswan Tola where they saw that the accused persons including the appellants were damaging the pillar of their house. On protest, they abused by taking their caste name and also assaulted them by fists and slaps.

The learned counsel for the appellants submits that it absolutely does not stand to reason that if the appellants were damaging the pillar of the house of the informant, then why the same was not objected by the neighbours whose houses are also present there. This amply demonstrates that a false case has been instituted by way of after thought, more so, when the date of occurrence is 16.09.2019 and the F.I.R. came to be instituted after a delay of four days on 20.09.2019 without any plausible explanation. It is also submitted that even the police after carrying out threadbare investigation submitted final form, but the learned trial Court in a mechanical manner without appreciating the facts of the case in its perspective took cognizance without application of any judicial mind.

The learned counsel for the informant as well as learned Special Public Prosecutor opposes the bail application,



but are not able to rebut the submission of the learned counsel for the appellants that there was a delay of four days in instituting the F.I.R. and the police submitted final form after investigation.

Regard being had to the aforesaid submissions, the order dated 26.03.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-cum-Special Judge-1st, SC/ST Act, Jehanabad in connection with Jehanabad SC/ST P. S. Case No.51 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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