

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1291 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- KASMA District- Aurangabad

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1. ASRAFI MIYA @ MD. MOINUDDIN S/o Shamshuddin Miya Resident of Village- Bhaduki, P.S.- Kasma, District- Aurangabad, Bihar
 2. Sukhvindra Yadav @ Shukhvindra Yadav S/o Bishundev Yadav Resident of Village- Bhaduki, P.S.- Kasma, District- Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Jeera Devi W/o Ram Briksh Ram Resident of Village- Bhaduki, P.S.- Kasma, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl.P.P. for the State.

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 24.03.2022 in ABP No. 436 of 2022 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Kasma P.S. Case No. 02 of 2022 registered under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and



3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that while she along with her daughter was at the hand pump, when appellants came and abused and assaulted her, further Yogendra and Asraf disrobed Mamta.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case, it is next submitted that allegations are general and omnibus and allegation of disrobing Mamta is ornamental, it is next submitted that though it is alleged that they were at hand pump where the occurrence took place but then the FIR does not even remotely suggest that the occurrence was witnessed by any villagers which creates doubt with regard to the veracity of the allegations.

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 24.03.2022 in ABP No. 436 of 2022 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Aurangabad in



connection with Kasma P.S. Case No. 02 of 2022 is hereby set aside and the appellants above-named, 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. 10,000/- (Rupees Ten 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 Kasma P.S. Case No. 02 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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