

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2769 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- MAHILA P.S. District- Purnia

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1. ANSHU ANAND @ MAHI CHOUDHARY W/O NITESH KUMAR CHOUDHARY R/o village- Rajani Chauk, P.S.- Sahyak Kharchi, District- Purnea
 2. NITESH KUMAR CHOUDHARY S/O SHRI LAXMI PRASAD CHAUDHARY R/o village- Rajani Chauk, P.S.- Sahyak Kharchi, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sakshi Kumari @ Sabita Kumari D/o Sadaiv Paswan R/o village- Bhawra, District- Darbhanga, at present residing at Rajni Chauk, P.S.- Sahayak Khajanchi, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. A.K.Thakur, Sr. Advocate Mr.Shivam
For the Respondent/s	:	Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 27-07-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard Mr. A.K.Thakur, learned Senior Counsel for the appellants.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 23.03.2021, passed by the learned 1st Additional Sessions Judge-cum-Special



Judge, SC/ST (POA) Act, Purnea in connection with Mahila P.S.Case No. 09 of 2021, registered for the offences punishable under Sections 341, 342, 323, 324, 326, 504 and 34 of the Indian Penal Code and Sections 3(i)(r), 3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the informant was working in the house of the appellants. She used to call appellant no.2 as *Mausajee*. She was looking after his two-year-old daughter. The allegation is that appellant no.2 used to assault her. Similarly, there is also allegation against appellant no.1, who is the wife of appellant no.2, that she also assaulted her.

Learned counsel for the appellants has submitted that they are innocent and have falsely been implicated. The FIR itself shows that the informant was calling appellant no.2 as *Mausajee*. As such, it cannot be assumed that she was humiliated since she is the member of scheduled caste. Moreover, good sense has prevailed and the case has been compromised.

The provision of SC/ST Act does not attract *prima facie* in this case. The case has been compromised. As such, the appeal is allowed and the impugned order dated 22.03.2021



is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Purnea in connection with Mahila P.S.Case No. 09 of 2021.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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