

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1689 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- TARAIIYA District- Saran

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1. AWADHESH KUMAR SINGH @ AWADHESH SINGH SON OF SHEONARAYAN SINGH R/O VILLAGE- BELAHRI, P.S.- TARAIIYA, DISTRICT- SARAN AT CHAPRA
 2. RAJESH SINGH SON OF SHEONARAYAN SINGH R/O VILLAGE- BELAHRI, P.S.- TARAIIYA, DISTRICT- SARAN AT CHAPRA
 3. AYUSH KUMAR @ CHUNNU @ CHUNNU SINGH SON OF AWADHESH SINGH R/O VILLAGE- BELAHRI, P.S.- TARAIIYA, DISTRICT- SARAN AT CHAPRA
 4. NIRMALA DEVI WIFE OF AWADHESH SINGH R/O VILLAGE- BELAHRI, P.S.- TARAIIYA, DISTRICT- SARAN AT CHAPRA

... .. appellants/s

Versus

1. The State of Bihar
2. KALAWATI DEVI WIFE OF KRISHNA SHARMA R/O VILLAGE- BELAHRI, P.S.- TARAIIYA, DISTRICT- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the appellants/s	:	Mr.Jeetendra Narayan
For the Respondent/s	:	Mr.Usha Kumari I
For the Informant	:	Mr.Shekhar Harhvardhan

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

ORAL ORDER

3 12-10-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 21.04.2022 passed by the learned 3rd Additional District & Sessions



Judge SC/ST, (POA) Sarat at Chapra in A.B.P. No. 1229 of 2022 arising out of Taraiya P.S. Case No. 01 of 2022, registered for the offences punishable under Sections 341, 323, 354, 504, 506 r/w 34 of the Indian Penal Code & Section 3(1)(r)(s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The present case has been registered on the basis of complaint petition filed by the complainant Kalawati Devi. As per allegation, the water from the toilet of the appellants drained towards the residential house of the complainant and when she complained, the accused persons assaulted her. They also outraged the modesty of the complainant.

Learned counsel for the appellants has submitted that appellants are the persons of clean antecedent. The occurrence had taken place due to leakage of the water from the house of the appellants which has been cured now. He has also submitted that the FIR was lodged after six months of the occurrence.

On the other hand, learned counsel for the informant/complainant has vehemently opposed the prayer for bail and submitted that appellant no. 1 Awadhesh Kumar Singh @ Awadhesh Singh had assaulted the complainant and also misbehaved.

The occurrence appears to have taken place due to leakage of water from the house of appellants. The appellants are the persons of clean antecedents.



In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 21.04.2022 passed by the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra 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 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Taraiya P.S. Case No. 01 of 2022.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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