

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1727 of 2022

Arising Out of PS. Case No.-91 Year-2021 Thana- MAHILA P.S. District- Saran

1. PRADIP SAH Son of Late Dharmnath Sah Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.
2. Jivan Sah Son of Pradeep Sah Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.
3. Ismail Miyan @ Mohammad Ismail Son of Late Saiyed Hussain Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.
4. Shahnaj Alam Son of Ismail Miyan @ Mohammad Ismail Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.
5. Daya Shankar Prasad Son of Late Amarnath Prasad Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.
6. Lokesh Prasad Son of Daya Shankar Prasad Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chinta Devi Wife of Late Shri Ram Resident of Village - Manjhi, Dakshin Tola, P.S.- Manjhi, District - Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harish Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 25.04.2022 passed by learned 3rd Additional District And Sessions Judge-Cum-Special Judge, SC/ST (POA), Saran at Chapra in ABP No. 1065/2022 whereby the prayer for bail of the appellants in connection with Mahila



P.S. Case no. 91/2021 under Section 147, 148, 341, 323, 354(B), 34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

Allegations against the appellants are of abusing by taking the caste name of the informant and assaulted her after making her half-naked by lathi, kicks and fists.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. For a single offence, all family members are dragged in the present case. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant by taking her caste name in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.04.2022 passed in A.B.P. No1065/2022 is hereby set aside.

The appellants are directed to be enlarged on bail in



connection with Mahila P.S. Case No. 91/2021 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District And Sessions Judge-Cum-Special Judge, SC/ST (POA), Saran At Chapra.

(Sunil Kumar Panwar, J)

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