

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1965 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- PANDAUL District- Madhubani

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1. VINOD THAKUR @ VINOD SHARMA Son of Late Baleshwar Thakur @ Baleshwar Sharma Resident of Village - Pokharsham , P.s.- Pandaul, Distt.- Madhubani.
 2. RAJU SHARMA Son of Sri Vinod Thakur @ Vnod Sharma Resident of Village - Pokharsham , P.s.- Pandaul, Distt.- Madhubani.
 3. RAMDAYAL THAKUR @ RAMDAYAL SHARMA Son of Late Baleshwar Thakur @ Baleshwar Sharma Resident of Village - Pokharsham , P.s.- Pandaul, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. ROHIT KUMAR SAFI Son of Shiv Shankar Safi Resident of Village - Pokharsham , P.s.- Pandaul, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vaishnavi Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 21-09-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

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, 1989 for setting aside the order dated 10.05.2022, passed by the learned 1st



Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Pandaul P.S. Case No. 52 of 2022, registered for offence punishable under sections 341, 323, 324, 308, 379 and 504/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the appellants assaulted the informant and his brother. Appellant nos. 1 and 3 assaulted grandmother of the informant with knife. The members of prosecution side had sustained injuries.

The learned counsel for the appellants has submitted that the present case is counter blast of Pandaul P.S. Case No. 51 of 2022 lodged by wife of appellant no. 1. As a matter of fact, the members of prosecution side forcibly entered into her house and outraged the modesty of daughter of appellant no. 1. After lodging of that case, the *fardbeyan* has been lodged after delay of two days and formal FIR has been lodged after delay of three days.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the appellants and their family members badly assaulted the informant and his family members.



There is case and counter case and the case of defense side is prior to the lodging of the present case. The appellants are the persons of clean antecedents

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 10.05.2022 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Madhubani in connection with Pandaul P.S. Case No. 52 of 2022.

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

(Nawneet Kumar Pandey, J)

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