

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2012 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

-
1. ALKA DEVI W/o Sujeet Kapar Resident of Village - Raghunathpur, P.s.- S. Kamal, Distt.- Begusarai.
 2. Doli Kumari Sujeet Kapar Resident of Village - Raghunathpur, P.s.- S. Kamal, Distt.- Begusarai.
 3. Anushtha Kumari W/o Tribhuwan Kumar Resident of Village - Saligrame, P.s.- S. Kamal, Distt.- Begusarai.
 4. Tribhuwan Kumar @ Murari Yadav Son of Late Sudhir Yadav Resident of Village - Saligrame, P.s.- S. Kamal, Distt.- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nagendra Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
	:	Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 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 12.05.2022 in A.B.P. No. 916 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Begusarai in connection with Sahebpur Kamal P.S. Case No. 246 of 2021 registered for the offences



punishable under Sections 147, 148, 149, 341, 323, 307, 354(B), 379, 504, 506 of the Indian Penal Code as well as Sections 3(1) (r)(s)(w)/3 (2) (va) of the SC/ST Act.

The informant alleges that the accused persons including the appellants entered her house and brutally assaulted her with farsa, khanti, lathi and danda and abused her by taking caste name and also outraged her modesty and snatched her ornaments.

Learned counsel for the appellants submits that the appellant no. 1, 2 and 3 are persons with clean antecedent and appellant no. 4 has antecedent of two cases and have been falsely implicated in the present case, it is next submitted that appellant no. 1 had filed an informatory petition no. 206 of 2021 Dated 23.06.2021 against the husband of the informant before S.D.M. Begusarai, and on account of which the present false case came to be instituted, it is further submitted that the informant alleges that she was brutally assaulted by the accused persons along with others but then from perusal of the FIR it would manifest that the same is based on written application which creates doubt with regard to the veracity of the allegation as alleged for the reason that if the informant would have been assaulted in the manner alleged then definitely she would have



gone to the hospital where the hospital would have informed the police. Learned counsel next submits that even presuming what has been alleged is true without admitting then the occurrence has not taken place in public view nor the FIR even remotely suggest that the occurrence was witnessed by any public as the FIR does not disclose the name of any witness to the occurrence.

Learned Spl. P.P. and learned counsel for the informant for the State opposed the prayer for anticipatory bail of the appellants.

Learned counsel for the informant submits that Anar Devi and Rupesh have been assaulted by Tribhuwan Kumar and further appellant no. 1, 2 and 3 also assaulted and snatched the ornaments.

In view of the submissions made by the learned counsel for the appellants, the order dated 12.05.2022 in A.B.P. No. 916 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Begusarai in connection with Sahebpur Kamal P.S. Case No. 246 of 2021 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs. 5,000/- (Rupees FiveThousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sahebpur Kamal P.S. Case No. 246 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

Further, the learned trial Court before accepting the bail bonds of the appellants will verify whether Anar Devi and Rupesh have been inflicted with grievous injury or not, in the event, if the injury is not grievous then the present anticipatory bail order shall be acted upon and in the event, if it found that the injury is grievous then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

