

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3093 of 2021**

Arising Out of PS. Case No.-392 Year-2021 Thana- TURKAULIYA District- East  
Champaran

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1. Nepali Didi @ Ibetombi Devi Wife of Jitendra Kumar Sriwastawa C/o Rastogi Ji Ka Makan, R/o Village Turkaulia, P.S. Turkauliya, District East Champaran.
  2. Jitendra Kumar Sriwastawa @ Jitendra Kumar Son of Shyam Nandan Prasad C/o Rastogi Ji Ka Makan, R/o Village Turkaulia, P.S. Turkauliya, District East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Umesh Das Son of Horil Das Resident of village Chargaha, Ward No.14, P.S. Turkaulia, District East Champaran.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Abhishek Kumar  
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      18-10-2022                      Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel appearing on behalf of respondent no.2.

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 of anticipatory bail vide order dated 25.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Turkauliya P.S. Case No.392 of



2021, registered under Sections 304 and 34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that there is nothing on record to show that the appellants have abused the informant by naming his caste. It is further submitted that the matter has been compromised between the parties.

Learned Special P.P. for the State as well as learned counsel appearing on behalf of respondent no.2 opposed the prayer for anticipatory bail of the appellants, but fairly admitted that the matter has been compromised between the parties.

Taking into consideration the fact that the matter has been compromised between the parties, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five 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, East Champaran,



Motihari in connection with Turkauliya P.S. Case No.392 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

Sanjay/-

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