

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2081 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- TAJPUR District- Samastipur

-
1. MD. NASIR S/O LATE MD. WAHID Resident of Village- Harishankarpur, Baghauni, Ward No. 3, P.S.- Tajpur, District- Samastipur.
 2. MANTASHA KHATOON S/O Md. Nasir Resident of Village- Harishankarpur, Baghauni, Ward No. 3, P.S.- Tajpur, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. REKHA KUMARI W/O AKLABYE KUMAR Resident of village- Harishankarpur, Baghauni, Ward No.-3, P.S.- Tajpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-09-2022 Heard learned counsel for the appellants 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 31.05.2022 in A.B.P. No. 1376 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Tajpur P.S. Case No. 126 of 2022 registered for the offences punishable under Sections 323, 341, 354, 379, 380, 448, 504, 506 and 34 of the Indian Penal Code and Sections 3



(1) (r) (s), 3 (2) (va) of SC/ST Act.

The informant alleges that on 19.03.2022 at 6:00 am, accused persons including the appellants along with 10-15 unknown accused came and started loot and when she woke up, she was disrobed, it is further alleged that wife of appellant no.1 snatched her *mangalsutra* and golden chain, Md. Fateh looted Rs. 12,000/-. Further, it is alleged that Md. Nasir abused by taking caste name and when people gathered, accused persons fled away.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no. 2 is a woman, it is next submitted that appellants have been falsely implicated in the present case, appellants are husband and wife, it is further submitted that even presuming what has been alleged in true, without admitting for the purposes of anticipatory bail, then the entire occurrence took place at the house of the informant, it is also submitted that from the side of the appellants also Tajpur P.S. Case No. 130 of 2022 was instituted wherein it was alleged that the present informant and his family members have stolen the goats of the appellants as such the present false case came to be instituted.

Learned Spl. P.P. for the State opposes the prayer for



anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 31.05.2022 in A.B.P. No. 1376 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Tajpur P.S. Case No. 126 of 2022 is hereby set aside and the 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 released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) 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 Tajpur P.S. Case No. 126 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

gauravkr/-

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

