

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2080 of 2022**

Arising Out of PS. Case No.-5 Year-2014 Thana- SC/ST District- Jehanabad

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1. KISHORE SINGH @ RAM KISHORE SINGH SON OF LATE VYAS SINGH R/O VILLAGE- KHAIRABIGHA, P.S.- MEHANDIA, DISTRICT- ARWAL
 2. PINTU SINGH @ PINTU KUMAR SON OF LAKHAN SINGH R/O VILLAGE- KHAIRABIGHA, P.S.- MEHANDIA, DISTRICT- ARWAL
 3. SHANKAR SINGH @ SHANKAR KUMAR SON OF LAKHAN SINGH R/O VILLAGE- KHAIRABIGHA, P.S.- MEHANDIA, DISTRICT- ARWAL
 4. SANTOSH SINGH @ SANTOSH KUMAR SON OF LAKHAN SINGH R/O VILLAGE- KHAIRABIGHA, P.S.- MEHANDIA, DISTRICT- ARWAL

... .. Appellant/s

Versus

1. The State of Bihar
2. KANTI DEVI WIFE OF THAG PASWAN R/O VILLAGE- KHAIRABIGHA, P.S.- MEHANDIA, DISTRICT- ARWAL

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Priya Ranjan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-11-2022 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 10.05.2022 in A.B.P. No. 658 of 2022 passed by the learned 1st Additional District and Sessions Judge S.C./S.T. (POA) Act, Jehanabad in connection with Arwal P.S. Case No.



05 of 2014 registered for the offences punishable under Sections 147, 341, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

The informant alleges that on 20.03.2014 at about 6:10 am when she was going to attend nature's call and crossed the platform of Lakhan Singh, the accused appellants started abusing her by calling her caste name and on protest assaulted her, it is next alleged that on hearing alarm her daughter-in-law along with her son and husband came to rescue her then the accused assaulted them too by means of lathi and fists.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no offence under the SC/ST Act is made out, it is also submitted that even presuming what has been alleged is true without admitting then also the occurrence did not take place in public view rather when the informant crossed the platform of Lakhan Singh then she alleges that she was abused and assaulted, it is also submitted that allegation of assault and abuse is not specific.

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 10.05.2022 in A.B.P. No. 658 of 2022 passed by the learned 1st Additional District and Sessions Judge S.C./S.T. (POA) Act, Jehanabad in connection with Arwal P.S. Case No. 05 of 2014 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 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 Arwal P.S. Case No. 05 of 2014 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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