

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3189 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- NADI P.S. District- Patna

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1. SUNITA DEVI Daughter of Harish Giri @ Amrish Giri Resident of Village - Samaspur, P.S.- Nadi, P.O.- Fatwah, District - Patna.
 2. Juhi @ Jyoti Kumari Daughter of Harish Giri @ Amrish Giri Resident of Village - Samaspur, P.S.- Nadi, P.O.- Fatwah, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Guria Kumari Mahesh Chaudhary resident of village- Samaspur (Jafrabad), P.O- Fatuha, P.S-Nadi, District-Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 30-11-2022 Vide order dated 16.05.2022, notice was issued to respondent no.2, which was received by sister of respondent no.2. Learned counsel for the appellants has filed a supplementary affidavit and in paragraph-3 of the supplementary affidavit, it is stated that the sister of respondent no.2 and respondent no.2 are residing in the same house.

In view of the facts aforesaid, the notice is treated to be validly served upon respondent no.2.

Heard learned counsel for the appellants and learned Special Public Prosecutor 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 of anticipatory bail vide order dated 26.06.2021, passed by learned A.D.J.-IIIrd-cum-Special Judge, SC/ST, Patna in connection with Nadi P.S. Case No.21 of 2021 (Special Case No.49/21), registered under Sections 341, 323, 379, 354(B), 307, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)/3(2)(va) of the SC/ST Act.

One Guriya Kumari filed a complaint case on 13.11.2020 being 674(C)/2020 stating therein that on 04.11.2020 at about 10 P.M., the prosecutrix went to the house of appellants for saying that her son use filthy language in the way. Thereafter the accused persons abused her by naming her caste and assaulted her. Appellant No.1 is said to have assaulted the complainant on her head by means of bricks causing injury.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is case and counter case between the parties and both sides sustained injuries. It is submitted that the allegation against the appellants is general and omnibus. The occurrence took place on 04.11.2020 and complaint was filed on 13.11.2020. There is no explanation for delay in filing



the complaint. It is further submitted that though the appellants are said to have abused the complainant by naming her caste, but occurrence did not take place in public view, therefore, no case is made out under the provisions of SC/ST Act.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the facts aforesaid, 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 released 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 Additional District & Sessions Judge-IIIrd-cum-Special Judge, SC/ST Act, Patna in connection with Nadi P.S. Case No.21 of 2021 (Special Case No.49/21), 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)

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