

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2205 of 2022**

Arising Out of PS. Case No.-28 Year-2022 Thana- BENIPATTI District- Madhubani

1. YOGENDRA THAKUR SON OF LATE CHAUBE THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
2. MANOJ THAKUR SON OF YOGENDRA THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
3. SAROJ THAKUR @ SAROJ SHARMA SON OF YOGENDRA THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
4. PHUL BABU SHARMA @ PHULBABU THAKUR SON OF YOGENDRA THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
5. NAGENDRA THAKUR SON OF CHOUBE THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
6. SHAIL DEVI @ SHILA DEVI WIFE OF YOGENDRA THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
7. BABITA DEVI WIFE OF MANOJ THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI
8. GEETA DEVI WIFE OF NAGENDRA THAKUR R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. RITA KUMARI WIFE OF SURESH PASWAN R/O VILLAGE- AANDHARI, P.S.- BENIPATTI, DISTRICT- MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subhash Kumar Jha, Advocate
For the Respondent/s	:	Ms. Usha Kumari No.1, Spl.P.P.
For the Informant	:	Ms. Kusum Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 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 25.05.2022 in A.B.P. No. 336 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Benipatti P.S. Case No. 28 of 2022 registered for the offences punishable under Sections 143, 341, 323, 308, 379, 504, 506 and 509 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2)(a) of the SC/ST Act.

Learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant no. 1.

Permission is accorded.

The informant alleges that on account of dispute relating to cutting of branches of tree, the accused persons including the appellants came to her house and Yogendra assaulted by iron, khanti causing injury above left eye of her husband, further when she intervened the accused persons abused her by taking caste name and assaulted her causing injury on head and appellant no. 6 to 8 snatched Rs. 5,000/-, ear rings and gold chain.

Learned counsel for the appellants submits that the



appellants are persons with clean antecedent and appellant no. 6, 7, 8 are women and have been falsely implicated in the present case, it is next submitted that specific allegation of assault is against Yogendra whose anticipatory bail application stands withdrawn, it is further submitted that allegation of assault against rest of the accused persons is general and omnibus in nature and as far as allegation of snatching Rs. 5,000/-, ear rings and gold chain is concerned the same is ornamental to give serious color to the case, it is also submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any public view rather the occurrence even presumed to be true had taken place in the house of the informant which definitely was not within the public view.

Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that the allegation of assault is general and omnibus in nature.

In view of the submissions made by the learned counsel for the appellants, the order dated 25.05.2022 in A.B.P. No. 336 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in



connection with Benipatti P.S. Case No. 28 of 2022 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 Benipatti P.S. Case No. 28 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)

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