

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2257 of 2022

Arising Out of PS. Case No.-596 Year-2021 Thana- RAJIVNAGAR District- Patna

-
1. ANIL KUMAR SON OF LATE TILAKDHARI SINGH RESIDENT OF C/301 NTPC BIHAR PHASE-I, P.S.- RAJIV NAGAR, DISTRICT- PATNA
 2. JYOTI D/O ANIL KUMAR RESIDENT OF C/301 NTPC BIHAR PHASE-I, P.S.- RAJIV NAGAR, DISTRICT- PATNA
 3. SWATI D/O ANIL KUMAR RESIDENT OF C/301 NTPC BIHAR PHASE-I, P.S.- RAJIV NAGAR, DISTRICT- PATNA
 4. ROHIT RAJ SON OF ANIL KUMAR RESIDENT OF C/301 NTPC BIHAR PHASE-I, P.S.- RAJIV NAGAR, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. M.K. PUJA D/O SHRI MAHESHWAR KUMAR RESIDENT OF C/301 NTPC BIHAR PHASE-I, ASHIANA NAGAR, P.S.- RAJIV NAGAR, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arya Achint
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 21.06.2022 passed by learned Special Judge (SC/ST) Act, Patna in ABP No. 2751 Of 2022 whereby the prayer for bail of the appellants in connection with Rajiv Nagar P.S. Case no. 596 of 2021 under Section 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(s)(w), 3(2) (va) of the SC/ST Act was rejected.



As per allegation made in the FIR, while the informant was climbing the stairs of her flat, she was assaulted by appellants. When her mother came there to rescue her, she was also abused by them and appellant no. 1 pushed her down to the stairs. Accused persons have made several attempts of forcefully ousting the informant's family from their own flat.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Both parties are neighbor of the same apartment. Appellant no. 1 is staff of NTPC Farakka and at the time of occurrence, he was on his duty place. There is case and counter case. They have got no criminal antecedent except appellant no. 1, who is accused in Rajeev Nagar P.S. Case No. 65 of 2010 for the similar nature offence, lodged by the present informant. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant by taking her caste name in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.06.2022 passed in A.B.P. No 2751 Of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Rajiv Nagar P.S. Case No. 596 of 2021 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, Patna.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

