

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2376 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- SC/ST District- Madhubani

1. RAM BHAROS @ RAM BHAROS YADAV Son of Ganga Ram Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
2. Ram Kripal Yadav Son of Teju Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
3. Kanahiya Kumar Yadav @ Kanahiya Yadav Son of Ganga Ram Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
4. Naresh Kumar Yadav @ Ram Naresh Yadav Son of Ram Kripal Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
5. Jagarnath Yadav Son of Harihar Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
6. Delip Yadav Son of Bhola Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
7. Subhas Kumar Suman @ Shubhas Yadav Son of Ram Bilash Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
8. Bharat Yadav Son of Musharu Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
9. Vishnu Dev Kumar @ Vishnu Dev Yadav Son of Harihar Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
10. Urmila Devi Wife of Bharat Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
11. Agnidev Yadav Son of Harinarayan Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
12. Sunair Devi Wife of Harihar Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani
13. Shyama Devi Wife of Harinarayan Yadav Resident of village - Koriyapatti, P.S. - Rudrapur, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anita Devi Wife of Jay Lal Ram Resident of village - Andhra, P.S.- Andhratharhi, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Jha, Adv
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P. Mr. Ravindra Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

2 23-08-2022 Heard learned counsel for the appellants, learned counsel for respondent no.2 and learned Spl.P.P. for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.04.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Madhubani in connection with SC/ST Madhubani P.S. Case No. 19 of 2021, registered under sections 341, 342, 323, 352, 354(B), 379, 386, 120(B) of the Indian Penal Code and sections 3(I)(r)(S)/3(2)(Va) of S.C./S.T. Act.

Allegedly, when the informant was returning home, then all the male accused persons stopped her and tried to commit rape upon her. It is further alleged that the accused persons tried to kill the informant by pressing her neck. The accused Shyama Devi, Urmila Devi and Sunair Devi abused her by taking caste name and hit her with brooms.



Learned counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to village politics. No such occurrence as alleged has ever taken place. The entire family members have been made accused in the present case. The occurrence took place on 03.06.2020 and the complaint case was lodged on 22.02.2021 i.e. after delay of 8 months, without giving any plausible explanation regarding the delay, which creates a serious doubt on the prosecution story. There is no specific overt act against the appellants. It is submitted that there is general and omnibus allegation against the appellants. No offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them to abuse the informant by taking caste name. The appellant no.8 has one criminal antecedent and the remaining appellants have no criminal antecedent, as also mentioned in para-3 of this memo of appeal.

Learned Spl.P.P for the State and learned counsel for respondent no.2 opposed the prayer for bail and submits that there is specific allegation to abused the informant by taking caste name.

Considering the facts and circumstances of the case, since there is a delay in lodging the F.I.R. and there is no specific



overt act against the appellants, let the appellants named above, 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 bond of Rs.25,000/- (Rs. Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Additional Session Judge cum Special Judge, Madhubani, in connection with Madhubani P.S. Case No.19 of 2021, subject to the condition 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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