

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3604 of 2021**

Arising Out of PS. Case No.-134 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. MUSKAN KUMARI @ KUMARI MUSKAN Daughter of Dulindra Chaudhary @ Surendra Chaudary Resident of Village - Dharpur, P.S.- Mohiuddinnagar, District - Samastipur.
 2. Malti Devi Wife of Raju Chaudhary @ Rajendra Chaudhary Resident of Village - Dharpur, P.S.- Mohiuddinnagar, District - Samastipur.
 3. Sulindra Chaudhary @ Surendra Chaudhary Son of Raju Chaudhary @ Rajendra Chaudhary Resident of Village - Dharpur, P.S.- Mohiuddinnagar, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Piriti Kumari Daughter of Ganga Rajak Resident of Village - Dharpur, P.S.- Deshari, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Deepak Kumar Singh
For the State	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Mahendra Pratap

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 12-07-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 28.07.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Mohiuddinnagar P.S. Case No. 134 of 2021 registered under Sections 313, 376, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of five days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Mohiuddinnagar P.S. Case No.134 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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