

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2582 of 2022**

Arising Out of PS. Case No.-153 Year-2022 Thana- PATORI District- Samastipur

1. Dayanand Prakash Son Of Late Ram Narayan Rai R/O Village- Hasanpur Surat, P.S.- Patori, District- Samastipur
2. Pushpa Kumari Wife Of Dayanand Prakah R/O Village- Hasanpur Surat, P.S.- Patori, District- Samastipur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Mritunjay Kumar  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      01-09-2022                      Heard learned counsel for the appellants and  
  
learned Special P.P for the State.

The appellants have challenged the order dated 14.06.2022 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Patori P.S. Case No. 153 of 2022 instituted for the offences punishable under Sections 341, 323, 385, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.



The accusations are of threatening and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case and in the background of some land dispute, the present case has been lodged. As per F.I.R, the occurrence took place in the house of the informant, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 14.06.2022 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Patori P.S. Case No. 153 of 2022.

Accordingly, this appeal is allowed.

The appellants, above named, except appellant Nos. 2 and 4 are directed to be released on bail in the



event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Patori P.S. Case No. 153 of 2022.

**(Sunil Kumar Panwar, J)**

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