

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.520 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. MADHURI DEVI Wife of Dhanajay Pandey Resident of Village - Ailay, P.S.- Chand, District - Kaimur (Bhabhua)
2. Rima Devi Wife of Bijai Singh Resident of Village - Ailay, P.S.- Chand, District - Kaimur (Bhabhua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arabind Nath Pandey, Adv.

For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2022 Heard the parties.

Vide order dated 01.11.2022, learned Spl.P.P. for the State was directed to inform the informant about his appearance in this case.

Learned Spl.P.P. for the State submits that he had informed the S.P., Bhabhua regarding the same.

Nobody appears on behalf of respondent no.2.

Office points out that this appeal is time barred as limitation expired on 08.12.2020 but in view of the Apex Court order dated 10.01.2022, in *Re: Cognizance for Extension of Limitation*, Suo Moto Writ (Civil) No. 3 of 2020, the delay in filing of this appeal is hereby condoned.

Learned counsel for the appellant is directed to remove rest



of the defect(s) pointed out by the office within four weeks.

This is an appeal under section 14A (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 09.09.2020, passed by learned Additional District and Sessions Judge-1 cum Special Judge, Kaimur at Bhabhua, in connection with SC/ST Bhabhua P.S. Case No.28 of 2020, registered u/s 341, 323, 147, 148, 149, 337, 338, 307, 504, 354 of the IPC and sections 3(i)(r)(s) (w), 3(2)(va) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellants at the first instance abused the brother of informant and when informant asked about their conduct on other day, the accused again abused the informant. Thereafter, they came armed variously and committed '*mar-pit*' with the informant and his father.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to have abused the informant. It is further submitted that similarly situated co-accused has been granted



anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.07.2021 passed in Cr. Appeal (SJ) No.1838 of 2021. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since similarly situated co-accused have been granted bail, 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, is directed to 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 Additional District and Sessions Judge-1 cum Special Judge, Kaimur at Bhabhua, in connection with SC/ST Bhabhua P.S. Case No.28 of 2020, 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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