

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2848 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- SC/ST District- Patna

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1. Vinay Kumar Gupta @ Binay Kumar Gupta Son Of Late Prahlad Gupta Resident Of Mohalla - Lodi Katra, Ward No.- 63, P.S.- Khajekalan, District - Patna.
 2. Manish Kumar @ Manish Kumar Gupta Son of Vinay Kumar Gupta @ Binay Kumar Gupta Resident of Mohalla - Lodi Katra, Ward No.- 63, P.S.- Khajekalan, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheela Devi Wife of Sanjeet Kumar @ Chhotu Paswan Resident of Village - Marchi, P.S.- Bypass, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishwa Bijay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

29.07.2022 passed by learned Exclusive Special Court,

SC/ST Act, Patna in connection with SC/ST P.S. Case

No. 12 of 2022 instituted for the offences punishable

under Sections 341, 323, 354, 379, 427, 447, 448,

504, 506, 34 of the Indian Penal Code and Section 3(1)

(r)(s)(w), 3(2)(va) of the SC & ST (Prevention of



Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault, making an attempt to outrage the modesty 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 animus relationship, the present case has been lodged. A title suit is also pending between the parties. 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 29.07.2022.

Accordingly, this appeal is allowed.



The appellants, above named, 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 Exclusive Special Court, SC/ST Act, Patna in connection with SC/ST P.S. Case No. 12 of 2022.

(Sunil Kumar Panwar, J)

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