

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2904 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SC/ST BETTIAH District- West
Champaran

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1. Umrawati Devi W/o Sri Jawahir Sahani R/o village- Ghogha, Malahi Tola, P.S.- Gopalpur, District- West Champaran
 2. Gudia Kumari D/o Sri Jawahir Sahani R/o village- Ghogha, Malahi Tola, P.S.- Gopalpur, District- West Champaran
 3. Ashok Sahani S/o Sri Jawahir Sahani R/o village- Ghogha, Malahi Tola, P.S.- Gopalpur, District- West Champaran

... .. Appellants

Versus

1. The State of Bihar
2. Mst. Girja W/o Late Bhulai Baitha R/o village- Ghogha, Malahi Tola, Ward No. 01, P.S.- Gopalpur, District- West Champaran

... .. Respondents

Appearance :

For the Appellants	:	Mr.Umesh Chandra Verma, Advocate
For the Respondents	:	Mr.Sadanand Paswan, Spl. Public Prosecutor
For respondent no.2		Mr. Sachidanand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-11-2022 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 29.7.2022, passed by learned Additional Sessions Judge – I cum Special Judge, SC/ST Act, West Champaran, Bettiah in a case registered for the offence punishable under Sections 323, 506/34 and other allied sections of the Indian Penal Code and Section 3 (1) (r) (s)/3(2) (va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, these appellants and other accused persons abused respondent no.2 by caste name and they assaulted her with fists and sandals.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case as the occurrence took place over the dispute of pathway.



Injuries sustained by the injured have been found to be simple in nature. He further submits that insult caused to respondent no.2 by the appellants are not based on caste, as such, no offence under the SC/ST Act is made out against them. Compromise petition (Annexure 2) has also been filed by the parties in the Court below. Appellants claim clean antecedent.

Learned counsel for the state as well as respondent no.2 does not controvert the factum of compromise.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 29.7.2022 is set aside with respect to the appellants.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I cum Special Judge, SC/ST Act, West Champaran, Bettiah in Bettiah Sadar Police Station Case No. 14 of 2022.

(Prabhat Kumar Singh, J)

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