

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.628 of 2021**

Arising Out of PS. Case No.-42 Year-2020 Thana- SC/ST District- Lakhisarai

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1. Rudal Mahto Son of Late Taik Mahto Resident of Village- Jhapani, P.S.- Medni Chauki, District- Lakhisarai.
 2. Gauri Devi Wife of Rudal Mahto Resident of Village- Jhapani, P.S.- Medni Chauki, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sunita Devi Wife of Lalan Rajak Resident of village- Jhapani, P.S.- Mednichauki, District- Lakhisarai.

... .. Respondent/s

Appearance :

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

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

5 23-06-2022 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.11.2020, passed by learned Additional Sessions Judge, 1st-cum-Special Judge (S.C./S.T. Act), Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No.42 of 2020, registered under Sections 341, 323, 379, 354(B), 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(ra) of the SC/ST Act.

By order dated 01.11.2021, notice has been issued to



respondent no.2 and the office points out that acknowledgment has been received which shows that notice has been received by the husband of respondent no.2, but today nobody appears on behalf of respondent no.2.

The appellants are said to have abused the informant by naming her caste. The appellants are also said to have assaulted the informant and her daughters. It is also alleged that the son of appellant no.1 tried to outrage the modesty of the daughters of the informant. It is further alleged that appellant no.2, Gauri Devi snatched the *Mangalsutra* and earring of the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the appellants. It is submitted that the informant is the neighbour of the appellants. It is further submitted that the occurrence took place on 23.10.2020, but the FIR was lodged on 29.10.2020 after delay of six days without giving any explanation.

Learned Special P.P. for the State opposes the prayer for anticipatory bail of the appellants.

Taking into consideration the facts aforesaid and the fact that there is delay in lodging the FIR, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st-cum-Special Judge (S.C./S.T. Act), Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No.42 of 2020, subject to the conditions 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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