

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4211 of 2021**

Arising Out of PS. Case No.-80 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Bachcha Babu @ Santosh Kumar Singh Son of Subhash Prasad Singh @ Subhash Singh Resident of Village - Bochaha, P.s.- Mohiuddn Nagar, Distt.- Samastipur.
 2. Subhash Prasad Singh @ Subhash Singh Son of Late Rambaran Singh Resident of Village - Bochaha, P.s.- Mohiuddn Nagar, Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshmindra Kumar Yadav
For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 24.08.2021 passed by the learned Additional Sessions Judge, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 80 of 2021 instituted for the offences punishable under Sections 341, 323, 324, 354/34 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 making assault, outraging 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. There is general and omnibus allegation against the appellants. As per F.I.R, the occurrence took place at the door of the appellants, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 24.08.2021 passed by the learned Additional Sessions Judge, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 80 of 2021.

Accordingly, this appeal is allowed.

The appellants, above named are directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his



furnishing bail bonds of Rs. 10,000/-(ten thousand)
each with two sureties of the like amount each to the
satisfaction of learned 1st Additional Sessions Judge-cum-
Special Judge, SC/ST Act, Samastipur in connection with
Mohiuddin Nagar P.S. Case No. 80 of 2021.

(Sunil Kumar Panwar, J)

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