

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3203 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- SC/ST District- Gopalganj

1. MALTI DEVI WIFE OF RAMNATH SHARMA R/O VILLAGE-MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ
2. INDU DEVI WIFE OF PRABHU SHARMA R/O VILLAGE-MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ
3. SUNITA DEVI WIFE OF BIRENDRA SHARMA R/O VILLAGE-MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ
4. PRABHU SHARMA SON OF LATE BIKRAMA SHARMA R/O VILLAGE- MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ
5. BIRENDRA SHARMA SON OF DINANATH SHARMA R/O VILLAGE-MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ
6. SONU KUMAR SHARMA SON OF BIRENDRA SHARMA R/O VILLAGE- MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ
7. PAWAN KUMAR SHARMA SON OF BIRENDRA SHARMA R/O VILLAGE- MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNITA KUNWAR WIFE OF LATE MADAN PASI R/O VILLAGE-MANJHAGARH SHEKH TOLI, P.S.- MANJHAGARH, DIST.-GOPALGANJ

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the appellants and

learned Spl. 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 for anticipatory bail vide order dated 25.06.2022 in A.B.P. No. 1144 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Gopalganj (Town) SC/ST P.S. Case No. 26 of 2022 registered for the offences punishable under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2) (va) of the SC/ST Act.

Learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant no. 4.

Permission is accorded.

The informant alleges that the accused persons on 20.04.2022, when her sons were keeping sand and pebbles on their land, when all the accused persons started abusing them by their caste name and also assaulted them and the informant and made her semi-naked.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant



no. 1, 2 and 3 are women and have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that the allegations are general and omnibus in nature that is no specific allegation has been alleged against any of the appellants, it is also submitted that though there is allegation of assault but then there is no injury inflicted on the persons from the side of the informant and as far as allegation of making her semi-naked is alleged, the same is ornamental in nature. Learned counsel next submits that even the FIR does not even remotely suggest that the occurrence was witnessed by any public, thus was not in public view.

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

In view of the submissions made by the learned counsel for the appellants, the order dated 25.06.2022 in A.B.P. No. 1144 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Gopalganj (Town) SC/ST P.S. Case No. 26 of 2022 is hereby set aside



and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with in connection with Gopalganj (Town) SC/ST P.S. Case No. 26 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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