

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4447 of 2021**

Arising Out of PS. Case No.-25 Year-2021 Thana- SIMRA District- Aurangabad

1. Prabha Devi, Wife Of Sunil Singh Resident Of Village - Dukhi Bigha, P.S.- Simra, District - Aurangabad.
2. Rani Kumari, Wife Of Sri Amit Singh @ Sonu Singh Resident Of Village - Dukhi Bigha, P.S.- Simra, District - Aurangabad.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Vyas Kumar Mishra- Advocate  
For the Respondent/s : Mr. Binay Krishna- S.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      23-06-2022                      Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 25.09.2021 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Aurangabad in connection with Simra P. S. Case No.25 of 2021, instituted for the offences under Sections 341, 323, 324, 307, 332, 333, 353, 504, 34, 427 of the Indian Penal Code, Sections 3(i)(r)(s)/ 3(2)(va)/3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and Section 61 of the Bihar Prohibition and Excise Act, 2018, whereby their prayer for grant of anticipatory bail has been rejected.



The learned counsel for the appellants submits that the appellants are ladies and are persons with clean antecedent and from bare perusal of the allegation as alleged in the F.I.R., it would manifest that even taking the allegations to be true against the appellants, then also no offence under the SC/ST (P.O.A.) Act is made out.

The learned counsel for the appellants submits that the informant alleges that he got secret information that the accused including the appellants have kept mahua liquor in their house for selling. Accordingly, the police team reached the place of occurrence where it is alleged that the appellant no.1 threw stones which hit Birendra Prasad Yadav, driver of the police vehicle and thereafter, it is alleged that appellant no.2 went on the terrace and from there, she was throwing stones which hit the vehicle of the police causing damage.

The learned counsel for the appellants submits that as far as allegation against the accused relating to SC/ST (P.O.A.) Act is concerned, the same has been alleged against Sunil Singh. The learned counsel thus at the cost of repetition again submits that from perusal of the allegation as alleged in the F.I.R., no offence under the SC/ST (P.O.A.)



Act is made out against the appellants.

The learned Special Public Prosecutor opposes the anticipatory bail application, but is not in a position to rebut the submissions of the learned counsel for the appellants that the appellants have not been alleged to have committed an offence under the SC/ST (P.O.A.) Act

Regard being had to the aforesaid submissions, the order dated 25.09.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Simra P. S. Case No.25 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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