

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4625 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- SC/ST District- Darbhanga

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1. PARWATI DEVI W/o Shankar Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.
 2. Ganga Ram Yadav @ Gulab Yadav S/o Jagdish Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.
 3. Santosh Yadav @ Sati Yadav S/o Jagdish Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.
 4. Kundan Yadav S/o Ganga Ram Yadav @ Gulab Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.
 5. Santosh Yadav S/o Bechan Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.
 6. Munnilal Yadav S/o Late Rameshwar Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.
 7. Amarjeet Yadav S/o Ram Seval Yadav Resident of Village- Tetrahi Tole Sanchara Ghat, P.S.- Bithan, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lila Devi Wife of Inderdev Paswan R/o Shanichra Tola Tasmal Patti, Thana Kusheshwarstan O.p Tileshwar Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Shama Sinha
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Md. Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2022 Heard the parties.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.10.2021, passed by learned Additional Sessions Judge-cum-



Special Judge (POA, Act), Darbhanga in connection with Darbhanga SC/ST P.S. Case No.28 of 2021, registered under sections 143, 323, 354B, 379, 448, 504, 506 of the IPC and sections 3(1)(s), 3(1)(r), 3(2)(Va) of the SC and ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is a case and counter-case between the parties (mentioned in para-6 of the memo of appeal). It is submitted that no case under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view. It is further submitted that the appellants have not assaulted the informant or her daughter and there is neither any injury report nor any independent witness supported the case during investigation. Appellants have no criminal antecedent except appellant no.4 who has one criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail and submits that there is specific allegation against the appellant no.1 and other accused persons to abuse the respondent no.2 and her family members.



Considering the arguments of the parties and from the perusal of records, it is clear that all the occurrence took place in the courtyard and not in public view, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge (POA, Act), Darbhanga in connection with Darbhanga SC/ST P.S. Case No.28 of 2021, subject to the condition as 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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