

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4901 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- MANER District- Patna

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1. BIRENDRA KUMAR Son of Ashwani Rai Resident of Mohalla - Bhawani Tola, P.S. - Maner, District - Patna.
 2. Laxman Rai Son of Late Thakurdayal @ Thakurdayal Rai Resident of Mohalla - Bhawani Tola, P.S. - Maner, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pravawati Devi wife of Rajesh Paswan Resident of Village - Bhawani Tola, P.S. - Maner, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rudra Deo
For the Respondent/s	:	Mr.Spl.P.P. Mr.Harendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-12-2022 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 26.11.2021 passed by learned A.D.J.-III-cum-Special Judge, SC/ST, Patna in Maner P.S. Case No. 77 of 2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 379, 354, 504, 509 of the Indian Penal Code and Section 3(1)(r) (s)/3(ii)(v) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per F.I.R., while the informant was constructing



her house, 14 F.I.R. named accused persons including these appellants, armed with weapons, came there and tried to outrage her modesty, took out Rs. 50,000/- cash from her house and abused her by caste name.

Learned counsel for the appellants submits that the allegation is general and omnibus and no specific overt act has been alleged against these appellants. From perusal of the F.I.R., it appears that the incident took place in the house of informant, not in public view and as such, no case under the SC/ST Act is made out. Similarly situated four co-accused persons have already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 21.10.2021 passed in Cr.Appeal (SJ) No. 3965 of 2021 (Annexure 2).

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 26.11.2021, so far as these appellants are concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned A.D.J.-III-cum-Special Judge, SC/ST, Patna in connection with Maner P.S. Case No. 77 of 2021.

(Prabhat Kumar Singh, J)

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