

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3851 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- BENIPATTI District- Madhubani

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1. VIJAY SAH S/O PANCHU SAH Resident of village- Salaha, P.S.- Benipatti, District- Madhubani.
 2. PANCHU SAH S/O SONE SAH Resident of village- Salaha, P.S.- Benipatti, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. LAKSHMI DEVI W/O SANT LAL MANDAL Resident of village- Salaha, P.S.- Benipatti, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the appellants seeks permission
to withdraw the present appeal with respect to appellant no.2.

Permission is accorded.

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 14.06.2022 in A.B.P. No. 152 of 2022 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge



Madhubani in connection with Benipatti P.S. Case No. 152 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 354(B), 379, 376 and 511 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Learned counsel for the appellant submits that appellant no.1 is a person with clean antecedent and the informant alleges that accused persons, including the appellant, entered her house and abused by taking cast name, further they assaulted and outraged the modesty of female members of the family.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that the occurrence is alleged to have taken place in the house of the informant and thus was not in public view and as far as outraging the modesty of female members of the informant's family is concerned, the same is ornamental in nature and has been alleged in order to give serious color to the case. Learned counsel further submits that on account of previous enmity, the informant has falsely implicated the appellant and from side of the appellant also, Benipatti P.S. Case No.54 of 2022 was instituted earlier, it is next submitted that entire allegation is general and omnibus in nature, further from



perusal of the allegations as alleged in the FIR it would manifest that the present occurrence is alleged to have taken place on account of dispute relating to land.

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

In view of the submissions made by the learned counsel for the appellants, the order dated 14.06.2022 in A.B.P. No. 152 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge Madhubani in connection with Benipatti P.S. Case No. 152 of 2022 is hereby set aside and the appellant no.1, 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 Benipatti P.S. Case No. 152 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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