

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.466 of 2022**

Arising Out of PS. Case No.-220 Year-2021 Thana- BATHNAHA District- Sitamarhi

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1. Uma Shankar Gai Son of Nageshwar Gai Resident of Village - Dighi, P.S.- Bathnaha, District - Sitamarhi, State - Bihar
 2. Bhagwan Raut Son of Late Sri Raut Resident of Village - Dighi, P.S.- Bathnaha, District - Sitamarhi, State - Bihar
 3. Niranjana Gai Son of Baidyanath Gai @ Baidyanath Prasad Gai Resident of Village - Dighi, P.S.- Bathnaha, District - Sitamarhi, State - Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Deokali Devi Wife of Sikandar Paswan Resident of Village - Dighi, P.S.- Bathnaha, District - Sitamarhi, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N.K.Agrawal, Sr.Advocate Mr.Kumar Rajdeep Mr.Arvind Kumar
For the informant	:	Mr.Uday Kumar
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 05-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 13.12.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Bathnaha P.S. Case No. 220 of 2021 under Sections 171(E), 341, 323, 325, 354(B), 379, 504, 506/34 of the



Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, all the accused persons including appellants abused the informant by calling her caste name and assaulted her and family members.

It is submitted on behalf of the appellants that as per the FIR occurrence has taken place at the door of informant, even the offensive words have been uttered at the door of informant. FIR does not even remotely suggest that occurrence has taken place within public view and as such no offence under SC/ST Act is made out. There is case and counter case. Both sides sustained injuries. Injuries sustained by the injured are simple in nature.

Counsel for respondent no. 2 however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 13.12.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi is set aside.

Let the appellants above-named, in the event of their



arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Bathnaha P.S. Case No. 220 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

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