

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.393 of 2023

Arising Out of PS. Case No.-732 Year-2018 Thana- NARPATGANJ District- Araria

1. NISHU KUSIYAIT @ SARAD KUMAR KUSHYIET S/O BRIJINAND KUSIYAIT Resident of Village- Khabdah, Ward No.-10, P.S.- Narpatganj, District- Araria.
2. SHALENDRA KUSIYAIT @ SULENDRA KUSIYAIT @ SULEN KUSIYAIT S/O KRITYANAND KUSIYAIT Resident of Village- Khabdah, Ward No.-10, P.S.- Narpatganj, District- Araria.
3. TUNTUN KUSIYAIT @ UPENDRA KUMAR KUSIYAIT S/O KRITYANAND KUSIYAIT Resident of Village- Khabdah, Ward No.-10, P.S.- Narpatganj, District- Araria.
4. MANTU KUSIYAIT @ MANTU KUMAR KUSIYAIT S/O RAMANAND KUSIYAIT Resident of Village- Khabdah, Ward No.-10, P.S.- Narpatganj, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. RENU DEVI W/O RAJESH PASWAN Resident of Village- Khabdah, Ward No.-11, P.S.- Narpatganj, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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 08.12.2022 in A.B.P. No. 3034 of 2022 passed by



the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Narpatganj P.S. Case No. 732 of 2018 registered for the offences punishable under Sections 354(B), 447, 341, 323, 379, 504 and 34 of the Indian Penal Code as well as Sections 3(i)(g)(v)(r)(w)(i)(ii) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and informant alleges that on 23.12.2018 at about 02:30 PM, the accused persons including the appellants started abusing and Mahanand Kusiyaait and Tuntun Kusiyaait dragged her in the field and assaulted her and also abused by using caste name.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not even remotely suggest that the occurrence was witnessed by anyone in the village when it is alleged that the occurrence took place at 02:30 P.M. in the village.

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

In view of the submissions made by the learned



counsel for the appellants, the order dated 08.12.2022 in A.B.P. No. 3034 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Narpatganj P.S. Case No. 732 of 2018 **is hereby set aside** and the appellants above-named, in the event of their 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) each 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 Narpatganj P.S. Case No. 732 of 2018 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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