

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.498 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- DALSINGHSARAI District- Samastipur

1. Dharmesh Pandit Son of Baidyanath Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.
2. Baidyanath Pandit Son of Late Uchit Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.
3. Manuradha Kumari @ Mannu Kumari D/o Dharmesh Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.
4. Nirmala Devi W/o Dharmesh Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.
5. Parmeshwar Pandit @ Pramesh Pandit Son of Baidyanath Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.
6. Sanju Devi Wife of Parmeshwar Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.
7. Vishal Kumar @ Vishal Pandit Son of Parmeshwar Pandit Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. ASARFI DAS Son of Late Anandi Das Resident of Village- Rampur Jalalpur, P.S.- Dalsinghsarai, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 22.06.2022, notice was issued to respondent no.2 and the office points out that notice has been received by son of respondent no.2. A jointness petition has been filed by learned counsel for the appellants stating therein that



respondent no.2 and his son are living together in a joint family with mess and all business.

In view of the facts aforesaid, the notice issued to respondent no.2 is deemed to be validly served.

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 of anticipatory bail vide order dated 17.12.2021, passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No.96 of 2021, registered under Sections 147, 148, 149, 323, 324, 504, 379 and 307 of the Indian Penal Code and Sections 3 (I) (III), (X) and (XI) of the SC/ST Act.

The appellants are said to have assaulted the informant and his son. It is also alleged that appellant, Sanju Devi snatched chain and top made of gold from possession of the informant's wife.

Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that occurrence took place on 17.08.2020, but the complaint was filed on 12.03.2021 after delay



of more than seven months. It is submitted that informant does not belong to SC/ST category. Learned counsel for the appellants relies upon Annexure-5 to the memo of appeal issued by the Government of Bihar in which the caste of the informant is shown in OBC category at serial no.48. It is submitted that no case is made out under SC/ST Act.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Taking into consideration the facts aforesaid, let 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 bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No.96 of 2021, subject to the conditions 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)

S.KUMAR/-

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