

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1552 of 2021

Arising Out of PS. Case No.-204 Year-2018 Thana- SURSAND District- Sitamarhi

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1. SURAJ RAI SON OF LATE DASHRATH RAI @ LATE DASHRATH RAI, R/O VILL- BIRPUR @ VIRPUR, P.S- SURSAND, DIST- SITAMARHI
 2. RAMJAS RAI SON OF SURAJ RAI, R/O VILL- BIRPUR @ VIRPUR, P.S- SURSAND, DIST- SITAMARHI
 3. NAGINA DEVI W/O GANESH RAI, R/O VILL- BIRPUR @ VIRPUR, P.S- SURSAND, DIST- SITAMARHI
 4. BIMLA DEVI @ VIMLA DEVI W/O DEV NARAYAN RAI, R/O VILL- BIRPUR @ VIRPUR, P.S- SURSAND, DIST- SITAMARHI.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi W/o Lalit Thakur, R/o Village-Birpur@Virpur, P.S.-Sursand, District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Alok Kumar Alok Mr. Santosh Kumar
For the Respondent/s	:	Mr.Binay Krishna Mr. Rajesh Ranjan Mr. Atul Shankar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-02-2023 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting



aside the order dated 06.01.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Sitamarhi in connection with Sursand P.S. Case No. 204 of 2018 registered for offence punishable under sections 448, 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) (w) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, there was some quarrel between the son of the informant and a 16 years daughter of Ganesh Rai, the family member of the appellants. The informant had complained it in *Gram Kachahari* whereupon the accused persons assaulted her, outraged her modesty and abused her by calling her caste name.

The learned counsel for the appellants has submitted that the informant belongs to *Lohar* caste, which has been excluded from the list of scheduled caste, as such, the provisions of SC/ST Act is not applicable in this appeal.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the accused persons assaulted the informant and also outraged her modesty and abused her by calling her caste name.

The genesis of the occurrence appears to be quarrel



between the son of the informant and the daughter of Ganesh Rai, who is a family member of the appellants, as such, the provisions of SC/ST Act does not apply in this appeal.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 06.01.2021 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Sitamarhi in connection with Sursand P.S. Case No. 204 of 2018.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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