

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1095 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Reena Devi W/O Umesh Prasad R/O Village- Mahammadpur Patti, P.S.- G.B. Nagar, Distt- Siwan.
 2. Bhagmani Devi W/O Letman Prasad R/O Village- Mahammadpur Patti, P.S.- G.B. Nagar, Distt- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/o Hakim Sah R/o Village- Mahammadpur Patti, P.S.- G.B. Nagar, Distt- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Naresh Prasad
For the Respondent/s : Mr.Sadanand Paswan

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.

In view of the earlier order dated 17.05.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

Learned counsel for the appellants submits that in the cause title age of the appellant no. 2 has been wrongly mentioned as 40 years in place of 67 years.

Let it be so corrected and read accordingly.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.01.2023, passed by learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with G.B. Nagar P.S. Case No. 305 of 2022, registered under Sections 341, 323, 324, 325, 354, 504, 506/34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

The appellants along with other accused persons are said to have assaulted the informant by means of lathi. They also abused her by taking caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there specific allegation against co-accused Umesh Prasad. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

However, learned Special P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of



six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with G.B. Nagar P.S. Case No. 305 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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