

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.839 of 2022**

Arising Out of PS. Case No.-47 Year-2021 Thana- PUSA District- Samastipur

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1. VIKASH PODDAR @ VIKASH KUMAR S/o Late Ramchandra Poddar
R/o village- Pusa Devpar, P.S.- Pusa, District- Samastipur
 2. Ravindra Poddar S/o Late Ramchandra Poddar R/o village- Pusa Devpar,
P.S.- Pusa, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Prti Kumari wife of Ranjeet Paswan Resident of village- Pusa Devpar, P.S.-
Pusa, Distt- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prem Prakash Poddar, Advocate
For the Informant	:	Mr. Satyendra Kumar Bhatnagar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-05-2023 Heard learned counsel for the appellants, the State
and respondent no.2.

The present appeal is directed against the order dated 09.02.2022, passed in a case registered for the offence punishable under Sections 341, 323, 379, 354 of the Indian Penal Code read with Sections 3(i)(r)(s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, the accused persons including the appellants entered into the house of the informant and started demolishing her house. When the informant and her mother-in-law tried to stop them, the appellants abused her by



caste name. It is further alleged that appellant no. 1 tried to outrage the modesty of the informant and appellant no. 2 took away cash from the informant's husband. It is further alleged that appellant no. 1 snatched gold chain from the informant.

Learned counsel for the appellants submits out of petty dispute, scuffle took place between the parties. The alleged occurrence took place at the *darwaza* of the informant, which is not within public view, as such no case under the SC/ST Act is attracted against these appellants. He further submits that there is delay of 17 days in lodging the F.I.R and there is no explanation for the same. Appellants claim clean antecedent.

Learned counsel for the state and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 09.02.2022 is set aside.

Accordingly, in the event of arrest or surrender, both the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 Additional District and Sessions Judge 1st-cum-Special Judge, SC/ST Act, Samastipur in Pusa P.S Case No. 47 of 2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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