

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1976 of 2021**

Arising Out of PS. Case No.-258 Year-2019 Thana- ATRI District- Gaya

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1. REKHA DEVI WIFE OF DINESH SHARMA R/O VILLAGE- NARAVAT, P.S.- ATRI, DIST.- GAYA
 2. ANANDI YADAV @ ANANDI KUMAR SON OF DWARIKA YADAV R/O VILLAGE- NARAVAT, P.S.- ATRI, DIST.- GAYA
 3. RAJENDRA SHARMA @ GAJENDRA SHARMA @ AJAY KUMAR SON OF MAHENDRA THAKUR @ MAHENDRA SHARMA R/O VILLAGE- NARAVAT, P.S.- ATRI, DIST.- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhpati Devi Jitendra Paswan R/O of Village-Naravat,P.S-Atri, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Singh, 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.

No one appears on behalf of the respondent despite
the fact that the notice was received by her husband.

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 06.02.2021 in A.B.P. No. 494 of 2021 passed by the
learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in



connection with Atri P.S. Case No. 258 of 2019 registered for the offences punishable under Sections 341, 323, 379, 354, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s)(u) of the SC/ST Act.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 25.06.2019, F.I.R named accused persons abused her and her family members by using caste words and snatched a *Mangalsutra* worth Rs. 30,000/- and assaulted by means of the butt of the pistol and also tried to outrage the modesty of her family members.

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 is general and omnibus in nature. It is further submitted that similarly situated co-accused Dinesh Sharma and Nagendra Sharma had also moved this Court by filing Criminal Appeal (SJ) No. 5522 of 2019 and the same was allowed by order dated 16.12.2019. It is next submitted that even presuming what has been alleged is true without admitting then entire occurrence is alleged to have taken place in the house of the informant and thus was not in



public view and snatching of *Mangalsutra* is ornamental in nature.

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 06.02.2021 in A.B.P. No. 494 of 2021 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Atri P.S. Case No. 258 of 2019 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 Atri P.S. Case No. 258 of 2019 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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