

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1259 of 2023

Arising Out of PS. Case No.-824 Year-2022 Thana- MADHEPURA District- Madhepura

1. RINKU DEVI WIFE OF SANJAY YADAV Resident of Village - Tuniyahi,
P.S. - Madhepura, Distt. -Madhepura
2. NITISH KUMAR SON OF SANJAY YADAV Resident of Village -
Tuniyahi, P.S. - Madhepura, Distt. -Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. RUPAM DEVI WIFE OF ARUN DAS Resident of Village - Tuniyahi,
WARD NO. - 4, P.S. - Madhepura, Distt. -Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, the informant
was informed about her appearance in this case by the learned
Spl.P.P. for the State but despite that no one has entered
appearance on her behalf.

3. 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 anticipatory bail vide order dated
16.02.2023, passed by learned Additional District and Sessions



Judge 1st cum-Special Judge, Madhepura, in connection with Madhepura P.S. Case No.824 of 2022, registered u/s 448/341/323/354(B)/504/506/34 of the IPC and section 3(1)(r) (s) of the SC/ST Act.

4. As per F.I.R., the named accused persons came at the door of informant and started abusing and assaulting the informant and when her husband came for rescue, they abused him by caste name and assaulted. It is further alleged that against all the 11 FIR named accused persons came at the house of informant and entered into her house and assaulted.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. There is an inordinate delay of nine days in lodging the F.I.R. as the occurrence is alleged to have taken place on 22.08.2022 and F.I.R. was lodged on 01.09.2022 and no plausible explanation regarding such delay has been given, which itself creates doubt about the prosecution case. There is no specific allegation against the



appellants to abuse the informant by taking caste name.
Appellant no.1 has no criminal antecedent and appellant no.2 has one criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, since the occurrence is not said to have taken place in public view, let the appellants named above, 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 bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum-Special Judge, Madhepura, in connection with Madhepura P.S. Case No.824 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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