

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1432 of 2023

Arising Out of PS. Case No.-113 Year-2020 Thana- BISHUNPUR CHOWK District-
Darbhanga

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1. Kalewar Singh @RAM Kalewar Singh Son Of Late Tej Narayan Singh Resident Of Village Rampurdih, Ps Bisanpur ,DIST Darbhanga
 2. Hanuman Singh @ Rupesh Kumar Singh Son Of Kalewar Singh @ Ram Kalewar Singh Resident Of Village Rampurdih, Ps Bisanpur ,DIST Darbhanga
 3. Sumit Singh @ Sumit Kumar Singh Son Of Jitendra Singh Resident Of Village Rampurdih, Ps Bisanpur ,DIST Darbhanga
 4. Premshankar Singh Son Of Late Tej Narayan Singh Resident Of Village Rampurdih, Ps Bisanpur ,DIST Darbhanga
 5. Amol Singh @ Amol Kumar Singh Son Of Premshankar Singh Resident Of Village Rampurdih, Ps Bisanpur ,DIST Darbhanga
 6. Amit Kumar Singh Son Of Premshankar Singh Resident Of Village Rampurdih, Ps Bisanpur ,DIST Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi Wife Of Ranjeet Baitha R/O . Rampurdih, Ps- Bisanpur, Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Baidya Nath Prasad
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 18.10.2023, informed the informant/complainant.

Nobody appeared on behalf of the informant/complainant.

3. This is an appeal under Section 14 A (2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 30.01.2023 passed by learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga, in connection with Bisanpur P.S. Case No. 113 of 2020 registered under Sections 341, 447, 354(B), 323, 435/34 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, petitioner entered into the house of the informant and tried to outrage her modesty. It is further alleged that he also assaulted informant's father-in-law when he intervened to save the informant from his clutch.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that earlier the husband and mother-in-law of the informant has filed F.I.R. against the appellants and their family members. Appellant no. 3



has no criminal antecedent and appellants no. 1, 2, 4, 5, and 6 have two criminal antecedents as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. 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 learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga, in connection with Bisanpur P.S. Case No. 113 of 2020, 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)

anand/-

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