

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1984 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. Salkho Khatoon Wife of Md Jalil Village Bhojpur, PS Sarairanjan, Distt-Samstipur
2. Md Azad Son of Md Jalil Village Bhojpur, PS Sarairanjan, Distt- Samstipur
3. Md Saddam Son of Md Jalil Village Bhojpur, PS Sarairanjan, Distt-Samstipur
4. Putul Khatoon Daughter of Md Jalil Village Bhojpur, PS Sarairanjan, Distt-Samstipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mala Devi Wife Of Dablu Das Village Bhojpur, PS Sarairanjan, Distt-Samstipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Narayan Roy, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the appellants, at the outset, seeks
permission to withdraw the present Cr. Appeal with respect to
appellant nos. 3 and 4.

Permission is accorded.

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 03.04.2023 in A.B.P. No. 800 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Sarairanjan P.S. Case No. 51 of 2023 registered for the offences punishable under Sections 448, 341, 323, 307, 504(B), 380, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent, appellant no.1 is a woman and the informant alleges that the accused persons along with appellants came variously armed and entered her house and abused by taking caste name, further it is alleged that Md. Saddam and Md. Azad stripped the informant of her clothes.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence has taken place within the confines of the house of the informant as such the occurrence was not in public view hence no case under the S.C./S.T. Act is made out.

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 03.04.2023 in A.B.P. No. 800 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Sarairanjan P.S. Case No. 51 of 2023 is hereby set aside and the appellant nos. 1 and 2, 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 Sarairanjan P.S. Case No. 51 of 2023 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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