

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1713 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. NITISH KUMAR @ NITISH KUMAR PATEL Son of Sumraw Singh @ Sumrav Singh Resident of Village- Diwane, P.O.- Saukhara, Hata, P.S.- Chand, District- Kaimur (Bhabua)
2. Manish Kumar Son of Sumraw Singh @ Sumrav Singh Resident of Village- Diwane, P.O.- Saukhara, Hata, P.S.- Chand, District- Kaimur (Bhabua)
3. Sumraw Singh @ Sumrav Singh Son of Aliyar Singh Resident of Village- Diwane, P.O.- Saukhara, Hata, P.S.- Chand, District- Kaimur (Bhabua)
4. Umaraw Singh @ Umrav Singh Son of Aliyar Singh Resident of Village- Diwane, P.O.- Saukhara, Hata, P.S.- Chand, District- Kaimur (Bhabua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jagjit Roshan, Adv.

For the Respondent/s : Mrs.Usha Kumari, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-02-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

In compliance of the order of this Court, learned Spl.P.P. for the State informed the informant about this case but nobody has entered appearance on her behalf.

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 for anticipatory bail vide order dated 23.06.2020, passed by learned Additional District and Sessions



Judge-I-cum-Spl. Judge, Kaimur at Bhabhua, in connection with Bhabhua (Mahila) P.S. Case No.19 of 2020, registered u/s 341, 323, 354, 504, 506, 34 of the IPC and sections 3(1) (r) (s) (w), 3(2) (va) of the SC/ST Act.

As per F.I.R., the appellant no.1 came to the house of informant and started abusing her by caste name and when her family members tried to intervene, the other appellants reached there and appellant nos.1, 2 and 4 assaulted the grandfather and uncles of the informant with lathi and danda.

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 is not said to have taken place in the public view. There is general and omnibus allegation against the appellants and the parties have compromised. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since parties have compromised, 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-I-cum-Spl. Judge, Kaimur at Bhabhua, in connection with Bhabhua (Mahila) P.S. Case No.19 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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