

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2170 of 2023

Arising Out of PS. Case No.-666 Year-2022 Thana- GOPALPUR District- Patna

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1. SONI DEVI AND ANOTHER SANTOSH SINGH RESIDENT OF VILLAGE KARNPURA BAIRIA P.S. GOPALPUR DISTRICT PATNA
 2. Mukesh @ Mukesh Poddar s/o Hari Narayan Poddar RESIDENT OF VILLAGE KABZA FACTORY PATNA CITY P.S. CHOWK CITY DISTRICT PATNA

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bibha Kumari Bimlesh Singh Resident of village Karnpura Bairiya P.S. Gopalpur District Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Rudra Deo

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-11-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. 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 20.03.2023 passed by learned Exclusive Special Court (SC/ST Act), Patna in connection with Gopalpur P.S. Case No.666 of 2022, registered under Sections 494, 341,



323, 379, 34 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the FIR, co-accused Bimlesh Singh got married with the informant concealing his first marriage with the appellant no.1. The allegation against the appellants is that when the informant went to the village of Bimlesh Singh, then the appellant no.1 and other accused persons abused her by caste name and also threatened to kill her daughter. Appellant no.2 threatened her to leave the town.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to enmity and grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. The specific allegation is against the co-accused Bimlesh Singh. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case as there is



no specific overt act against the appellants, 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 the learned Exclusive Special Court (SC/ST Act), Patna in connection with Gopalpur P.S. Case No.666 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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