

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2160 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST District- Madhubani

1. JANNAT @ KALPUTLI @ JANNAT KHATUN Wife of Allarakha Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
2. Md. Majlum Ansari @ Md. Majlum @ Majlum Ansari Son of Late Tahir Ansari Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
3. Vijay Kumar Yadav @ Vijay Yadav Son of Hirai Yadav Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
4. Md. Mishwauddin @ Mishraul Ansari @ Mishraul Ansari Son of Rahim Ansari @ Abdul Rahim Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
5. Bipin Kumar Yadav @ Bipin Yadav Son of Hirai Yadav Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
6. Vinod Kumar Yadav @ Vinod Yadav Son of Hirai Yadav Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
7. Sanjay Yadav Son of Hirai Yadav Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
8. Abdul Kayum @ Kayum Ansari Son of Md. Hafiz Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
9. Md. Mahfuj @ Mahfuz Ansari Son of Rahim Ansari @ Abdul Rahim Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.
10. Suleman Ansari @ Md. Suleman Son of Md. Hafiz Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Saday Son of Late Fudan Saday Resident of Village - Chapahi, P.S.- Rajnagar, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subhash Kumar Jha
For the State	:	Mr.Special P.P.
For Respondent no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

13 25-08-2023 Heard learned counsel for the appellants and learned

Special P.P. for the State. Nobody appears on behalf of

respondent no. 2.



2. The present appeal has been filed against order dated 31.05.2022 passed by learned A.D.J.-I-cum-Special Judge, Madhubani in SC & ST Madhubani P.S. Case No. 14 of 2021 registered for the offence punishable under Sections 341, 323, 354, 379, 427, 504, 34 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants was rejected.

3. As per prosecution case, on 19.03.2021, all the accused persons, who are appellants herein, broke the house of informant and upon protest, they abused by caste name and assaulted the informant. It is further alleged that appellants no. 5 torn the cloth of wife of informant and tried to outrage her modesty. It is next alleged that appellant no. 3 snatched jewellery from informant’s wife.

4. Learned counsel for the appellants submits that F.I.R. goes to show that there is admitted land dispute between the parties, which led to the alleged occurrence. It is not the case of the prosecution that any member of the public was present at the place of occurrence and as such, no case under the SC/ST Act is made out. There is general and omnibus allegation. Though, there is allegation of assault, but there is no injury



report on record. Appellants have got clean antecedent.

5. Learned Special P.P. opposed the appeal.

6. Considering the aforesaid facts and circumstances, the impugned order dated 31.05.2022 passed by learned A.D.J.-I-cum-Special Judge, Madhubani in SC & ST Madhubani P.S. Case No. 14 of 2021 is, hereby, set aside and appeal is allowed.

7. Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, Madhubani in SC & ST Madhubani P.S. Case No. 14 of 2021.

(Prabhat Kumar Singh, J)

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