

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2694 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- BIKRAMGANJ District- Rohtas

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1. Bhutti Giri @ Ashok Giri Son Of Dukhan Giri Resident Of Gosai Mohalla - Bikramganj, P.S. - Bikramganj, Distt. - Rohtas
 2. Suresh Giri @ Tamatar Giri Son Of Dukhan Giri Resident Of Gosai Mohalla - Bikramganj, P.S. - Bikramganj, Distt. - Rohtas
 3. Ramesh Giri Son Of Dukhan Giri Resident Of Gosai Mohalla - Bikramganj, P.S. - Bikramganj, Distt. - Rohtas
 4. Prakash Giri @ Prakashk Giri Son Of Bhutti Giri Resident Of Gosai Mohalla - Bikramganj, P.S. - Bikramganj, Distt. - Rohtas
 5. Sethi Giri Son Of Bhutti Giri Resident Of Gosai Mohalla - Bikramganj, P.S. - Bikramganj, Distt. - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi Wife of Santosh Giri @ Budhwa Giri Resident of village and P.s. - Bikramganj, Distt. - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2023 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 02.08.2023, 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 06.05.2023 passed by learned Additional Session Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas, in connection with Bikramganj P.S. Case No. 39 of 2023 registered under Sections 342, 323, 354B, 307 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is alleged by the informant that she has solemnized the inter caste marriage with Santosh. It is further alleged that on 24.01.2023, while she went for washing the clothes then relative of Santosh came and asked her to give divorce to Santosh, when she refused then accused persons abused her and also assaulted and made her severely injured.

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 Section SC/ST Act is made out against the appellants. He submits that the marriage took place fifteen years ago and the appellants have accepted her as their family members and prior to this no any complaint was ever raised by the informant. He further submits that the appellants and the informant are family



members. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

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 Additional Session Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas, in connection with Bikramganj P.S. Case No. 39 of 2023, 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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