

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2996 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- DAGARUA District- Purnia

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1. Md. Rizwan Son Of Md Akhatar Hussain Resident Of Village- Phulpur, Ward No. 4, Ps- Dagarua, Distt- Purnea
 2. Md. Sakib Son Of Md. Rafik @ Md. Rafiq Resident Of Village- Phulpur, Ward No. 4, Ps- Dagarua, Distt- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Arti Devi Wife Of Pramod Ray Resident Of Village- Phulpur Chakdah , Ward No. 4, Ps- Dagarua, Distt- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Bijendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 04-10-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

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 02.06.2023 passed by learned Special Judge, SC/ST Act, Purnea in connection with Dagarua P.S. Case No. 73 of 2023 registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w) and



3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is that they along with other co-accused persons assaulted and abused the informant and also tried to outrage her modesty, when she refuses to dance in D.J. in a marriage ceremony.

4. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. 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 appellant. He submits that as per the F.I.R., the allegation against the appellant no. 1 is that he started pressing informant's neck and tore her clothes, whereas the allegation against the appellant no. 2 is that he took away silver chain and payal, which is nothing but ornamental in order to make the offence severe. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for respondent no. 2 opposed payer for anticipatory bail and submitted that the appellants are also involved in the present case. Hence they do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I



am not inclined to enlarge the appellants on anticipatory bail.
The prayer for anticipatory bail of the appellants is hereby rejected. However, if the appellants surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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