

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.680 of 2021

Arising Out of PS. Case No.-80 Year-2019 Thana- KAMTAUL District- Darbhanga

1. SHANKAR SAH S/o Ram Lakhan Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.
2. Rajeev Kumar Sah @ Rajeev Sah S/o Bachhu Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.
3. Sanjay Sah S/o Late Yaddu Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.
4. Bachhu Sah S/o Late Yaddu Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.
5. Ram Lakhan Sah S/o Late Yaddu Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.
6. Ranjeet Sah S/o Bachhu Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.
7. Sati Lal Sah S/o Late Yaddu Sah Resident of Village- Ahiyari Goat, Police Station- Kamtaul, Distt- Darbhanga.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Soniya Devi Rajeshwar Ram Village-Ahiyari Goth,P.S-Kamtaul,District-Darbhang

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Prasad, Advocate
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-05-2023 Heard learned counsel for the appellants, the State.

Nobody appears on behalf of respondent no. 2.

The present appeal is directed against the order dated 07.09.2020, passed in a case registered for the offence punishable under Sections 341, 323, 379, 354(A), 504 and 506/34 of the Indian Penal Code read with Sections 3(i)(r)(s) of the SC/ST



Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, appellant no. 1 tried to outrage the modesty of the daughter of the informant. On protest prosecution party was assaulted and abused by caste name. They also committed loot of cash and golden *mangal sutra* and threatened to kill the family members of the informant.

Learned counsel for the appellants submits that there is general and omnibus against them. Doctor has found simple injury. It is alleged that occurrence took place inside the house of the informant, which is not within public view, as such no case under the SC/ST Act is attracted against these appellants. He further submits that there is delay of 8 days in lodging of the F.I.R and there is no plausible explanation of delay which itself created doubt over the prosecution case.

Learned counsel for the state and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 07.09.2020 is set aside.

Accordingly, in the event of arrest or surrender all the



appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-Cum-Special Judge (SC/ST, POA Act), Darbhanga in Kamtaul P.S Case No. 80 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

U		T	
---	--	---	--

