

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3031 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- FORBESGANJ District- Araria

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1. Suraj Sah S/O Late Shankar Sah R/O Village- Kubar Tola, Ward No. 13, Rampur North, Ps. Forbesganj, Dist. Araria
 2. Vina Devi @ Bina Devi W/O Late Shankar Sah R/O Village- Kubar Tola, Ward No. 13, Rampur North, Ps. Forbesganj, Dist. Araria

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sarita Devi W/O Laxmi Paswan R/O Village- Purana Bus Stand, Ward No. 8, Ps. Forbesganj, Dist. Araria

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 16.08.2023 but nobody appeared on behalf of the respondent no.2.

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 16.05.2023 passed by learned 1st Additional



District & Sessions Judge Cum Special Judge, Araria in connection with Fobesganj P.S. Case No. 166 of 2023, registered under Sections 306 and 376/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is allegation against the co-accused is that he promised to solemnized the marriage with the deceased but later on he denied thereafter, the deceased had committed suicide. There is no specific overt act against any of these appellants to abuse the informant by taking the caste name. Appellant no.1 is the brother of the appellant no.2. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

6. In the facts and circumstances of the case and the fact that 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge Cum Special Judge, Araria in connection with Fobesganj P.S. Case No. 166 of 2023, 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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