

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2997 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- BIRAUL District- Darbhanga

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1. HASHO KHATOON @ HASSO KHATOON W/o Md. Varique Resident of Village - Navtole, P.S.- Biraul, Distt.- Darbhanga.
 2. Roshni Khatoon @ Roushani Khatoon D/o Md. Varique Resident of Village - Navtole, P.S.- Biraul, Distt.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Dai Devi W/o Ram Sagar Chaupal Resident of Village - Navtole, P.S.- Biraul, Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

In view of order dated 30.11.2022, learned Spl.P.P. for the State informed the respondent no.2/informant about her appearance in this case but nobody appears on her behalf.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 10.06.2022, passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of



Atrocities) Act, Darbhanga, in connection with Biraul P.S. Case No.212 of 2021, registered u/s 341, 323, 324, 307 and 506/34 of the IPC and sections 3(i)(r)/ 3(i)(s)/ 3(i)(w) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellants at the first instance abused the informant's daughters by caste name and on protest, they assaulted the informant's side by means of various weapons.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to have abused the informant. The specific overt act is against the co-accused Md. Molaha, who abused the informant by taking caste name and against Md. Musava, who assaulted the daughter of informant by iron rod, which injury was grievous in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case and on perusal of the record, it is clear that that there is no specific



overt act against the appellants to abuse the informant by taking caste name, accordingly, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Darbhanga, in connection with Biraul P.S. Case No.212 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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