

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4280 of 2021

Arising Out of PS. Case No.-50 Year-2014 Thana- SC/ST District- Samastipur

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1. TILAK RAJ DARGAN Son of Baldeo Lal Dargan Resident of Village- Mulchand Road Ward No. 21, P.S. - Town, District - Samastipur.
 2. Koko Raj Dargan @ Kishore Raj Dargan Son of Tilak Raj Dargan Resident of Village- Mulchand Road Ward No. 21, P.S. - Town, District - Samastipur.
 3. Sexy Raj Dargan @ Bharat Dargan Son of Tilak Raj Dargan Resident of Village- Mulchand Road Ward No. 21, P.S. - Town, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Mannu Prasad Rajak resident of Malchand Road, Ward No – 21,P.S-Town, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-07-2023 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 03.09.2021 passed by the learned Special Judge, S.C./S.T. Act-cum-Additional Sessions Judge-I, Samastipur in connection with Samastipur SC/ST P.S. Case No. 50 of 2014 registered under Sections 341, 323, 354, 504 and 506/34 of the Indian Penal Code as well as Sections 3(1)(X) (XI) of the SC/ST Act, 1989.



3. Learned counsel for the appellants submits that appellant no. 1 has antecedent of two cases and appellant nos. 2 and 3 have antecedent of one case.

4. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation is in two parts, the first occurrence took place on 07.04.2014 when it is alleged that the accused persons including the appellants entered into the house of the informant and assaulted her, her husband, daughter and even torn her *saree* and hurled abuses relating to caste thereafter the informant alleges that on 16.07.2014 while she had gone to buy some household articles when all the accused persons intercepted and threatened her to leave the house or would be killed and also abused her by taking caste name.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is further submitted that it absolutely does not stand to reason that if the first occurrence took place on 07.04.2014 when the informant alleges that the appellants came, abused and assaulted her family members but no FIR came to be instituted. It is further submitted that in order to falsely implicate the appellants the informant has tried to make out a case that the occurrence took place in a public view in the market. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that anyone had seen the occurrence. It is also submitted that



the present false case has been instituted on the ground that partition suit is pending between the appellants and the informant with respect to certain properties as such the appellants have been falsely implicated.

6. Learned Special Public Prosecutor and the learned counsel for the informant opposed the prayer for anticipatory bail and submits that cognizance has been taken.

7. Learned counsel for the appellants seeks permission to withdraw this appeal.

8. Permission is accorded.

9. Accordingly, this appeal is dismissed as withdrawn.

10. However, it is made clear that if the appellants surrender on or before 11.08.2023, the learned trial court shall dispose of the case on the same day keeping in mind the submissions recorded hereinabove.

(Satyavrat Verma, J)

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