

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3625 of 2022**

Arising Out of PS. Case No.-95 Year-2022 Thana- BELSAND District- Sitamarhi

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1. YUGAL KISHORE SINGH @ JUGAL KISHORE SINGH Son of Sri Nawal Kishore Singh R/V- Bhorhan Tola Gausnagar, P.S- Belsand, Dist- Sitamarhi
  2. Rohit Kumar @ Munshi Jee Son of Kailash Rai R/V- Machi, P.S- Belsand, Dist- Sitamarhi
  3. Ravi Choudhary Son of Baleshwar Choudhary R/v- Bhandari , P.S- Belsand, Dist- Sitamarhi
  4. Nitesh Kumar @ Nitesh Choudhary Son of Shambhu Choudhary R/V- Bhandari, P.S- Belsand, Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Munni Devi Daughter of Late Ram Shrestha Ram R/V- Bhorahan, Tola Gausnagar, Ward No. 14, P.S- Belsand, Dist- Sitamarhi

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ravi Ranjan, Adv.  
For the Respondent/s : Mr.Sadanand Paswan, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      08-02-2023              Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

In compliance of the order of this Court, the State informed the Opposite Party No.2 but nobody appears on her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated



30.09.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Belsand P.S. Case No. 95 of 2022 registered under Sections 341, 323, 325, 354(A)(B), 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleges that on 18.07.2022 at 12:30 am, Prince Kumar and Pushpak Kumar came and tried to rape her, further on alarm they tried to flee. It is next alleged that in the meantime, other named accused persons came and assaulted her by an iron rod causing injury on head and also abused and assaulted her mother.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation against co-accused Prince and Pushpak Kumar. The occurrence took place in the night inside the house of the prosecutrix. Hence, no offence under the SC/ST Act is made. It is further submitted that similarly situated co-accused



have been granted anticipatory bail in Cr.App (SJ) No. 3665 of 2022 vide order dated 14.12.2022. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, since the similarly situated co-accused have been granted bail, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Belsand P.S Case No. 95 of 2022, 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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