

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.16 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- BALIYA District- Begusarai

1. Nargish Khatoon Wife Of Faizullah Resident Of Ashikpur Garhara, Ward No. 12, Police Station - Barauni, District - Begusarai.
2. Anwari Khatoon Wife Of Mohammad Chand Resident Of Village - Bari Ballia, Ward No. 13, Police Station- Ballia, District - Begusarai.
3. Baby Khatoon Wife Of Mohammad Chand Resident Of Village - Bari Ballia, Ward No. 13, Police Station- Ballia, District - Begusarai.
4. Mohammad Laddu @ Arshad Son Of Mohammad Chand Resident Of Village - Bari Ballia, Ward No. 13, Police Station- Ballia, District - Begusarai.
5. Mohammad Chhotan Son Of Mohammad Chand Resident Of Village - Bari Ballia, Ward No. 13, Police Station- Ballia, District - Begusarai.
6. Mohammad Raju Son Of Mohammad Chand Resident Of Village - Bari Ballia, Ward No. 13, Police Station- Ballia, District - Begusarai.

... .. Appellants

Versus

1. The State Of Bihar
2. Kari Devi Wife of Late Rajo Chaudhary Resident of village- Bari Balia, Ward no-16 P.S.- Balia, Dist- Begusarai.

... .. Respondents

Appearance :

For the Appellants	:	Mr.Bindeswari Singh, Advocate
For the State	:	Mr.Binay Krishna, Spl. Public Prosecutor
for the respondent .2	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 15-03-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 1.10.2021 passed by the Special Judge, SC/ST Act, Begusarai in a case registered for the offence punishable under Sections 307, 379,504,506 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST Act as, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, appellants and other



accused persons assaulted the informant and her son. They made derogatory remarks and snatched some cash and ornaments.

Learned counsel for the appellants submits that the specific allegation of assault is against other co-accused person and no specific overt act has been alleged against these appellants. There is case and counter case. It is further submitted that the provisions of the SC/ST Act is not attracted against the appellants because there was no intention of the appellants to insult the informant who is a member of the SC/ST category. Appellants claim clean antecedent.

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

Having regard to the submissions made by the parties and the nature of dispute, this appeal is allowed and the impugned order dated 1.10.2021 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six 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 Special Judge, SC/ST (POA) Act, Begusarai in Ballia Police Station Case No. 269 of 2021.

(Prabhat Kumar Singh, J)

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