

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.86 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- LADANIA District- Madhubani

1. RAJENDRA SAH Son of Mishri Sah R/V- Ladaniya, P.S- Ladaniya, Dist-Madhubani.
2. Priti Kumari D/o Rajendra Sah R/V- Ladaniya, P.S- Ladaniya, Dist-Madhubani.
3. Runa Devi Wife of Rajendra Sah R/V- Ladaniya, P.S- Ladaniya, Dist-Madhubani.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhakar Thakur
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 03.05.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on her behalf.

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 of anticipatory bail vide order dated 19.09.2022, passed by learned 1st Additional Sessions Judge-



cum-Special Judge, Madhubani in connection with Ladaniya P.S. Case No.171 of 2022, registered under Sections 341, 323, 379, 337, 354(B), 325, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(2)(va) of the SC/ST Act.

The appellants are said to have assaulted the informant. It is also alleged that appellants have abused the informant by naming her caste.

Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the occurrence took place on 13.06.2022, but the FIR was lodged on 16.06.2022, after delay of three days without giving any explanation which creates a serious doubt about the veracity of the prosecution case. It is submitted that the FIR does not disclose as to what abuse was hurled upon the informant. It is also submitted that the allegation of assault is general and omnibus.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, in the event of their arrest or surrender



before the learned court below within a period of six weeks from today, be released 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 Additional Sessions Judge, 1st, Madhubani in connection with Ladaniya P.S. Case No.171 of 2022, subject to the conditions 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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