

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5155 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- SANDESH District- Bhojpur

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1. Sanjoga Devi Wife Of Jung Bahadur Yadav Resident Of Village - Badiha, P.S.- Sandesh, Distt - Bhojpur.
 2. Munna Yadav @ Munna Singh Son Of Jangbahadur Yadav Resident Of Village - Badiha, P.S.- Sandesh, Distt - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijanti Devi Biteshwar Paswan R/o Village-Badiha, P.S.-Sandesh, District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 11-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

It appears that the notice has been validly served upon
the respondent no. 2 but nobody appears on her behalf.

Learned counsel for the appellants is directed to make
correction in the memo of appeal, in course of the day.

Four weeks time is granted to the learned counsel for
the appellants to remove the defects, if any, as pointed out by
the office.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for bail vide order dated 17.10.2019, passed by learned Additional Sessions Judge 1st Bhojpur, Ara in connection with SC/ST P.S. Case No. 38 of 2019 arising out of Sandesh P.S. Case No. 48 of 2019, registered under Sections 147, 149, 341, 323, 354, 504 of the IPC and Sections 3(i) (r) (S) (w) (i) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is specific overt act against the appellants to abuse the informant by taking caste name. He submits that the appellant no. 1 is lady and appellant no. 2 is son of appellant no. 1. He submits that appellants and informant both are neighbour. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let 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 Additional Sessions Judge 1st Bhojpur, Ara in connection with SC/ST P.S. Case No. 38 of 2019 arising out of Sandesh P.S. Case No. 48 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

devendra/-

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