

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1145 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- RANIYATALAB District- Patna

1. Manju Devi W/o- Dharmendra Pandit Village- Po- Rajipur Ps- Rani Talab Dist- patna
2. Lilawati Devi wife of Benu Pandit Village- Po- Rajipur Ps- Rani Talab Dist- patna
3. Bahadur Pandit @ Lal Bahadur Pandit son of Babu Ram Pandit Village- Po- Rajipur Ps- Rani Talab Dist- patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Usha Devi wife of Niranjana Mochi Village Po- Rajipur Ps- Rani Talab Dist- patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-10-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with Rani Talab P.S. Case No. 374 of 2023 registered for the offence under Section 341 / 323 / 325 / 354 (B) / 34 of the IPC and Section 3 (1)(r)(s)(w) / 3(1)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and being aggrieved by the order dated 05.02.2024 passed by learned Exclusive Special Court, SC/ST Act, Patna has preferred this appeal for grant of anticipatory bail.

3. As per the prosecution case while the informant's daughter



was going to shop for purchase, in the meanwhile, she was intercepted by the co-accused / Rajnish Kumar, who misbehaved with her. It has further been alleged that the appellants along with other co-accused persons assaulted the son of the informant, due to which his hand was broken. They also torn the blouse of the informant's daughter and abused them by their caste name.

4. Learned counsel for the appellants submits that from perusal of the F.I.R. it would be evident that specific allegation is against the co-accused Rajnish Kumar, who misbehaved with the daughter of the informant and the appellants are the family members of the co-accused Rajnish Kumar and have been roped in this case on the basis of a concocted story. The allegation of assault against the appellants is general and omnibus in nature and it is not alleged that the appellants called the informant and others by their caste name in the full public view. Learned counsel further submits that no proof of broken hand has been brought on record by the prosecution as would be evident from the impugned order. The family of the informant entered into the house of the co-accused Gyanti Devi i.e. mother of Rajnish Kumar and assaulted her both sons due to which Ranitalab P.S. Case No. 373 of 2023 was lodged by the side of the appellants.



5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the appellants along with other accused persons assaulted the son of the informant due to which his hand was broken, however, he failed to produce any injury report showing broken hand.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that allegation against the appellants is general and omnibus in nature, no injury report has been brought on record regarding broken hand and the fact that caste name was not taken in front of full public view, as such, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, the order dated 05.02.2024 passed in Rani Talab P.S. Case No. 374 of 2023 by learned Exclusive Special Court, SC / ST Act, Patna is set aside and this appeal is allowed.

8. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of SC/ST Act, Patna in connection with Ranitalab P.S. Case No. 374 of 2023 subject to



the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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