

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1184 of 2024

Arising Out of PS. Case No.-30 Year-2023 Thana- SC/ST District- Araria

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1. Sita Devi, W/O Vipin Yadav R/O Village- Jatha Tola, Panchayat, Majhua Purab, Ward No.-12, P.S- Bounsi, Distt.- Araria.
 2. Ramchandra Yadav, S/O Late Ramswarup Yadav R/O Village- Jatha Tola, Panchayat, Majhua Purab, Ward No.-12, P.S- Bounsi, Distt.- Araria.
 3. Sumitra Devi, W/O Ramchandra Yadav R/O Village- Jatha Tola, Panchayat, Majhua Purab, Ward No.-12, P.S- Bounsi, Distt.- Araria.
 4. Kajal Devi, W/O Late Arvind Yadav R/O Village- Jatha Tola, Panchayat, Majhua Purab, Ward No.-12, P.S- Bounsi, Distt.- Araria.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bulbul Devi W/O Krishna Yadav R/O Village- Jatha Tola, Ward No. 12, P.S- Bounsi, Distt.- Araria, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kumar Ravish
For the Respondent/s	:	Ms.Usha Kumari 1
		Mr.Vijay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-04-2024 1. Heard learned counsel for the appellants, learned counsel for the informant and learned A.P.P. for the State.

2. The appellants have challenged the order dated 16.12.2023 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, Araria in A.B.P. No.2943 of 2023 arising out of Araria SC/ST P. S. Case No.30 of 2023, instituted for the offences under Sections 147, 149, 341, 342, 323, 354(B), 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that appellant no.2 has antecedent of one case and rest of the appellants are persons with clean antecedent and appellant no.1, 3 and 4 are women. It is next submitted that father in-law of the informant is own brother of the appellant no.2. It is next submitted that the informant was married to the son of the brother of appellant no.2, as such, appellant no.2 is cousin father in-law of the informant and appellant nos.1 and 3 are daughter and wife of appellant no.2, whereas appellant no.4 is wife of deceased's brother of the appellant no.2. It is next submitted that there is a dispute relating to property in between the appellant no.2 and the father in-law of the informant.

4. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the entire occurrence took place at the house of the informant and thus, was not in public view, hence, SC/ST (P.O.A.) Act does not get attracted. It is further submitted that as far as allegation of snatching of mobile and ornaments is alleged, the same is ornamental in nature. It is further submitted that from perusal of the F.I.R., it would manifest that the same was instituted after a



delay of seven days and prior to that from the side of the appellants, Bounsi P. S. Case No.171 of 2023 was instituted.

5. The learned counsel appearing on behalf of the informant submits that it has come in the case diary at Para-6 that the occurrence was video-graphed and submits that though allegation may not be specific against the appellants, but then, the informant was assaulted by the accused persons and was even tied.

6. The learned counsel appearing on behalf of the appellants, at this stage, seeks permission to withdraw the present appeal.

7. Permission is accorded.

8. Accordingly, instant appeal is dismissed as withdrawn.

9. However, if the appellants surrender on or before 06.05.2024, the learned trial Court shall try to dispose of the case on the same day keeping in mind that informant and the appellants are related and the F.I.R. was instituted after a delay of seven days.

(Satyavrat Verma, J)

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