

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1331 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- PIPRIYA District- Lakhisarai

1. SUBODH SINGH @ SUBODH KUMAR Son of Jay Nandan Singh @ Jay Narayan Singh @ Jailu Singh R/o Village - Rachandrapur, P.S.- Pipariya, District - Lakhisarai
2. Mukhiya Ray Son of Ramprawesh Ray R/o Village - Basouna, P.S.- Pipariya, District - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Roshak Kumar Son of Late Shankar Paswan R/o Village - Gopalpur Shampur, P.S.- Shampur, District - Munger, Presently residing at Primary Health Centre, P.S.- Pipariya, District - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Irshad
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 18-11-2024 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 02.02.2023, passed by learned Additional District and Session Judge I -cum- Special Judge SC/ST, Lakhisarai, in ABP No. 61 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Pipariya Police Station Case No. 71 of 2021 for the offence



punishable under Sections 147/149/341/342/353/504/506 of the Indian Penal Code and Section 3 (i)(r)(s) and 3 (2) (va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report lodged by one Dr. Roshek Kumar, In-charge Medical Officer, Primary Health Centre, Pipariya (Lakhisarai), is that on 02.09.2021, one lady gave birth to a child and the ANM sent the photo of the child with placenta in the whatsapp group for information by hiding the face of the lady, but on this issue local people Ramvilas Sharma, Naveen Singh, along with others, reached the Primary Health Centre, Pripariya, on 03.09.2021 and started demanding the suspension and sacking of ANM and pressurized the informant to lodge First Information Report against the ANM. The people locked the main gate and obstructed the official work of the hospital for a long period of time. Upon arrival of the superior officers, First Information Report against the ANM (Neelima Mehta) was registered forcibly, bearing Pripariya Police Station Case No. 70 of 2021.
4. Learned counsel for the appellants submits that the



appellants are not named in the First Information Report and their name have transpired on the basis of photographs provided by the choukidar to the informant. He next submits that there is delay in lodging the First Information Report inasmuch as Pipariya Police Station Case No. 70 of 2021 was lodged on 03.09.2021, whereas the present First Information Report has been lodged on 08.09.2021.

5. Despite service of notice, no one appears on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the appellants are not named in the First Information Report, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 02.02.2023, passed by learned Additional District and Sessions Judge I -cum- Special Judge, SC/ST, Lakhisarai, in ABP No. 61 of 2023, is set aside.
8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge I -cum- Special Judge, SC/ST, Lakhisarai, in connection with Pipariya Police Station Case No. 71 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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