

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1473 of 2023**

Arising Out of PS. Case No.-171 Year-2021 Thana- DAWATH District- Rohtas

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1. Ayodhaya Singh Son Of Parmeshwar Singh Resident Of Village - Kowath, Ps- Dawath, Distt- Rohtas
  2. Pushpa Kumari Wife Of Ayodhya Singh Resident Of Village- Kowath, Ps Dawath, Distt- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmsheela Devi, Wife Of Sunil Kumar Resident Of Village- Kowath, Ward No. 05, Ps- Dawath, Distt- Rohtas

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Akhouri Vipin Bihari Shrivastava, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. Public Prosecutor      |
|                      |   | Mr. Sanjay Kumar Tiwary, Advocate              |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      04-07-2024                      Heard the parties.

2. This appeal has been filed against the order dated 09.02.2023 passed by learned Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Dawath P.S. Case No. 171 of 2021, registered under Sections 341, 323, 379, 354, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 10.11.2021, while the informant was sitting near the pond for Chhath Puja, these appellants



along with 4-5 unknown persons came there and abused the informant by caste name and assaulted the informant and her family members. It is further alleged that these appellants also snatched Mangalsutra and other articles of the informant.

4. Learned counsel for the appellants submits that appellants are innocent and the present case has been lodged in retaliation to the Dawath P. S. Case No. 170 of 2021 which was lodged by appellant No. 2 against the informant and her husband on 11.11.2021. Allegation against the appellants is general and omnibus. It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



Additional District Judge-XVII-cum-Exclusive Special Judge,  
SC/ST, Rohtas at Sasaram in connection with Dawath P.S. Case  
No. 171 of 2021.

7. Accordingly, the impugned order dated 09.02.2023  
is set aside and this criminal appeal is allowed.

**(Prabhat Kumar Singh, J)**

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