

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4009 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- TANDWA District- Aurangabad

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1. Kanti Devi @ Ranti Santosh Kumar Resident Of Village - Bichkulwa, P.S. - Tandawa, District - Aurangabad (BIHAR)
 2. Suresh Yadav Son Of Late Saryu Yadav Resident Of Village - Bichkulwa, P.S. - Tandawa, District - Aurangabad (BIHAR)
 3. Sunil Yadav Son Of Late Saryu Yadav Resident Of Village - Bichkulwa, P.S. - Tandawa, District - Aurangabad (BIHAR)
 4. Pintu Kumar Son Of Suresh Yadav Resident Of Village - Bichkulwa, P.S. - Tandawa, District - Aurangabad (BIHAR)
 5. Kunti Devi Wife Of Suresh Yadav Resident Of Village - Bichkulwa, P.S. - Tandawa, District - Aurangabad (BIHAR)

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nirmala Devi Wife Of Ashok Ram Resident Of Village - Bichkulwa, P.S. - Tandawa, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-03-2024 Heard learned counsel for the appellant and learned Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 17.08.2023 passed by the learned Special Judge (SC/ST) cum 1st Additional Sessions Judge, Aurangabad in connection with Tandwa P.S. Case no. 86 of 2023, A.B.P.No. 1391 of 2023 registered for the



alleged offences under sections 341, 323, 447, 354, 379, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) 3,2 (va) SC/ST (PoA) Act.

3. As per the prosecution case, all the accused persons assaulted and abused the informant and his family by taking his casts name and also molested the daughter of the informant. They snatched golden nose pin from the informant.

4. learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellants. The appellants have clean antecedent stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 17.08.2023 passed by the learned Special Judge, SC/ST cum 1st



Additional Sessions Judge, Aurangabad in connection with Tandwa P.S. Case no. 86 of 2023 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST cum 1st Additional Sessions Judge, Aurangabad in connection with Tandwa P.S.Case No. 86 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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