

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4447 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- TAJPUR District- Samastipur

1. Chandeshwar Ray Son Of Late Devendra Prasad Ray Resident Of Village - Anandpur, Morwa, Police Station - Tajpur, District - Samastipur
2. Upendra Ray Son Of Late Siyalal Ray Resident Of Village - Anandpur, Morwa, Police Station - Tajpur, District - Samastipur
3. Umesh Ray Son Of Late Yogendra Ray Resident Of Village - Anandpur, Morwa, Police Station - Tajpur, District - Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Manju Devi Wife Of Prameshwar Paswan Resident Of Village - Anandpur, Morwa, Police Station - Tajpur, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijay Bhushan Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.pp.
For the Resp No. 2	:	Mr. Ashutosh Nath, Adv.
		Mr. Roushan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-04-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 18.08.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Tajpur P.S. Case No. 160 of 2023 dated 22.03.2023 registered for the offence/s punishable u/ss 147, 341, 323, 354, 379, 504 and 506 read with section 34 of the Indian



Penal Code and 3(i)(r), 3(i)(s) / 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused and assaulted the informant by calling her caste name and they entered her house and also assaulted her husband. When the informant and her daughter-in-law came to rescue, the accused persons slammed the informant down and assaulted and tore her clothes and started molesting and they also assaulted her daughter-in-law. It is further alleged that they also snatched gold Mangalsutra worth Rs. 25,000/- from her daughter-in-law and damaged house hold articles.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is a delay of seven days in lodging the FIR. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellants. The appellants have no criminal antecedents as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 18.08.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Tajpur P.S. Case No. 160 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 or 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Tajpur P.S. Case No. 160 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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