

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4452 of 2023

Arising Out of PS. Case No.-399 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. SONI DEVI wife of Dharmendra Rai @ Dharmendra Kumar Village- Bhatandi Salempur Ps- Hajipur Sadar Dist- Vaishali
2. NIDHI DEVI Wife Arvind Rai Village- Bhatandi Salempur Ps- Hajipur Sadar Dist- Vaishali
3. DAULAT KUMARI D/o- Lal Babu Rai Village- Bhatandi Salempur Ps- Hajipur Sadar Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. RANI DEVI W/o- UEPNDRA RAI Village- Bhatandi Salempur Ps- Hajipur Sadar Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravish Mishra, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.pp.
For the Resp. No. 2	:	Mr. Mukesh Kumar, Adv. Mr. Shivjee Singh, 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 12.09.2023 passed by the learned Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in A.B.P. No. 1952 of 2023 arising out of Hajipur Sadar P.S. Case No. 399 of 2023 dated 03.06.2023 registered for the offence/s punishable u/ss 147, 148, 149, 323, 342 and 307 of



the Indian Penal Code and 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the informant being a woman of Schedule caste solemnized love marriage with one Upendra Ray, thereafter the appellants and the co-accused persons used to abuse the informant by calling her caste name. It is further alleged that the accused persons assaulted her husband and one Arvind Rai assaulted the informant's father-in-law with axe causing injury.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. 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 hence no case is made out under section SC/ST Act. The appellants are the *Gotni* of the complainant. There is general and omnibus allegation against the appellants. The appellant nos. 1 and 2 have no criminal antecedents and the appellant no. 3 has one more criminal case 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 12.09.2023



passed by the learned Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in A.B.P. No. 1952 of 2023 arising out of Hajipur Sadar P.S. Case No. 399 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, Vaishali at Hajipur in A.B.P. No. 1952 of 2023 arising out of Hajipur Sadar P.S. Case No. 399 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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