

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.107 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- SINDHIYA District- Samastipur

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1. Md. Akram Son Of Md. Islam @ Md. Musan Resident Of Village- Mahra, Ward No. 4, Ps- Singhiya, Distt- Samastipur
 2. Md. Anwar @ Tengaria Son Of Md. Islam @ Md Musan Resident Of Village- Mahra, Ward No. 4, Ps- Singhiya, Distt- Samastipur
 3. Md. Ashraf Son Of Md Islam @ Md. Musan Resident Of Village- Mahra, Ward No. 4, Ps- Singhiya, Distt- Samastipur
 4. Md. Shahbaz @ Md Sahwaj Son Of Md. Seikh Mukhiya @ Md. Samsad Resident Of Village- Mahra, Ward No. 4, Ps- Singhiya, Distt- Samastipur
 5. Md. Saveraj @ Dilwa Son Of Md. Irshad @ Dursad Resident Of Village- Mahra, Ward No. 4, Ps- Singhiya, Distt- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Hiriya Devi Wife Of Raj Kumar Sada Village- Mahara, Ps- Singhiya, Dist- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhav Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 22.09.2023, passed in a case registered for the offence punishable under Sections 341, 323, 354, 34, 354A, 504 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3 (2) (va) of the SC/ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants have been rejected.



3. The prosecution case, in brief, is that on 04.07.2023, accused persons along with these appellants came at the house of the informant and abused her by caste name, tried to outrage her modesty and assaulted her by fist, feet, due to which she became unconscious.

4. It is submitted by learned counsel appearing on behalf of these appellants that appellants are innocent and have falsely been implicated in this case. It is further submitted that due to petty dispute between the parties altercation took place. Case and counter case is also between the parties. The injury is found to be simple in nature. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned Spl.PP. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 22.09.2023 passed by the Special Judge, SC/ST (POA) Act, Samastipur, in connection with ABP No. 3084/2023, arising out



of Singhiya P.S. Case No. 175/2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 Special Judge, SC/ST (POA) Act, Samastipur, in connection with ABP No. 3084/2023, arising out of Singhiya P.S. Case No. 175/2023.

(Prabhat Kumar Singh, J)

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