

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3187 of 2019**

Arising Out of PS. Case No.-88 Year-2018 Thana- BATHNAHA District- Sitamarhi

Himanshu Kumar Jha Son of Deepak Jha Resident of Village - Madhopur,
P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ritesh Kumar Narain Singh
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 21-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 12.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Sitamarhi in Bathnaha SC/ST P.S. Case No. 88 of 2018 registered under Sections 341, 323, 379, 427/34 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During carrying out immersion procession of goddess Durga, some miscreants playing indecent song intruded



into the locality of the informant and started dismantling the house of Kunkun Paswan. They also assaulted some persons while the appellant and Eknath Jha assaulted Veena Devi by means of leg and fist.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. There is case and counter case between the parties. As a matter of fact, scuffle took place in the course of immersion of goddess Durga idol and in the said scuffling both parties received injuries. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is delay of four days in lodging the FIR without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent. Similarly situated co-accused Eknath Jhas has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.01.2019 passed in Cr. Appeal (SJ) No. 4526 of 2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, Sitamarhi in Bathnaha SC/ST P.S. Case No. 88 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

