

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3438 of 2019

Arising Out of PS. Case No.-376 Year-2014 Thana- MUFFASIL District- West Champaran

MANTU DUBEY S/o Rajdeo Dubey @ Bhulai Dubey R/o Village-
Khairatiya, P.S.- Manuapul, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Sharma, Adv
For the Respondent/s : Mrs.Usha Kumari 1, Spl.APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 20.06.2019 in A.B.P. No.1220 of 2019 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, (SC/ST/POCSO), Bettiah, West Champaran in connection with Bettiah Muffasil P.S.Case No. 376 of 2014 registered under Sections 341,323,427,448,504/34 of the Indian Penal Code as well as under Sections 3(I)(X) of the Scheduled Castes and Scheduled Tribes Act corresponding to SC/ST Case No.20 of 2019

There is case and counter case. FIR of the counter case is at Annexure-2. Allegation is that on 02.09.2014, the buffalo of the accused side had entered into the house of the informant and



damaged the food items for which an occurrence of abuse and assault was committed by the appellant.

Submission is that allegation is not specific against the appellant and the occurrence took place not for the reason that the informant was a member of the scheduled caste but for the reason that buffalo had entered into her house. The law prevailing, on that day, does not provide for any presumption.

Considering the case and counter case between the parties as well as general and omnibus nature of the allegation coupled with the fact that it is not evident that the occurrence took place at any public place within public purview, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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