

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4467 of 2019**

Arising Out of PS. Case No.-431 Year-2018 Thana- SAKRA District- Muzaffarpur

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PRADEEP MANJHI Son of Ram Vilash Manjhi Resident of Village - Dholi
Bazar, Raini, P.S.- Sakra, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anish Kumar
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 17-10-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.07.2019 passed by Special Judge (SC/ST Act), Muzaffarpur in connection with Sakra P.S. Case No. 431 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 332, 333, 353, 379, 145, 504 & 506 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



On getting information about blockage of the road by some persons putting the dead body of a child on the road, when the informant along with others arrived there and tried to clear the blockage 15 named and 150 unknown miscreants started slating him in the name of his caste and made attack on him, they also snatched mobile and other documents. One Amresh Kumar Chaudhary was leading the mob.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. Utmost the appellant happens to be member of mob. The allegation of assaulting and slating the informant levelled against the appellant is not specific rather general and omnibus in nature. There were 165 persons at the place of occurrence but the informant has not stated in specific as to who slated him in the name of his caste. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Jittal Pddar @ Awadesh Poddar has been enlarged on bail by a co-ordinate Bench of this Court vide judgment dated 04.02.2019 passed in Cr. Appeal (SJ) No.388 of 2019 while Mithlesh Sah and Lalan Paswan have been enlarged on bail by this Court vide order dated 31.07.2019 passed in Cr. Appeal (SJ) No. 3111 of 2019.



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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Muzaffarpur in connection with Sakra P.S. Case No. 431 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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