

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.330 of 2020**

Arising Out of PS. Case No.-49 Year-2019 Thana- SC/ST District- Darbhanga

Mangnu Sahu @ Jay Shankar Sahu, aged about 37 years, Male, Son of Ragunath Sahu, Resident of Village - Bikupatti, P.S.- Bahera, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Shailendra Kumar Jha, Advocate  
For the State : Mr.Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

2      15-12-2020                      Heard the parties through the virtual court proceeding.

The appeal is against the order dated 02.12.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (POA Act) Darbhanga in A.B.P. No.2061 of 2019 , whereby the Anticipatory Bail Petition of the appellant in connection with Darbhanga S.C.S.T. P.S. Case No.49 of 2019 for the offences punishable under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Sections 3 (1)(r), 3(1)(s) of S.C. S.T. (POA) Act, has been rejected.

As per F.I.R., it is alleged that on 14.06.2019 at about 5.00 P.M., the accused-appellant along with five unknown persons armed with lathi, danda went to the house of the informant and all of them abused by saying the caste name of



the informant. Informant forbade to abuse, upon which appellant ordered to beat the informant saying that the informant has not left possession over the land belonging to the appellant. Upon this order, all of them assaulted the informant, wife of the informant Amriti Devi was also assaulted by some of the known persons intending to outrage her modesty during rescue. Appellant snatched a golden chain weighing 15 gm worth of Rs.50,000/-. On alarm, the villagers went there who would narrate the occurrence.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. He further submits that the appellant has falsely been implicated in the present case. He further submits that the occurrence took place on 14.06.2019 and F.I.R. was lodged on 16.06.2019. He further submits that there is land dispute between the parties and a proceeding under Section 144 Cr.P.C. was also initiated in which the appellant is party no.2 in the proceeding. He further submits that the Title Suit No.32 of 2019 is also pending in the court of learned Sub-Judge, Benipur, Darbhanga in which appellant is defendant no.20. He further submits that the place of occurrence shown by the informant in his house, which is not public place. Therefore, no SC/ST Act is applicable against the



appellant.

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.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POA Act), Darbhanga in connection with Darbhanga SC/ST P.S. Case No.49 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 02.12.2019 is set aside and appeal is allowed.

**(Anjani Kumar Sharan, J)**

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