

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1825 of 2020**

Arising Out of PS. Case No.-175 Year-2020 Thana- TARAIIYA District- Saran

1. LALU KUMAR SINGH @ SHUBHAM KUMAR S/o Sanjay Singh Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
2. Saurabh Kumar @ Saurav Kumar @ Saurabh Kumar Singh S/o Sanjay Singh Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
3. Gunjan Kumar S/o Manoj Singh Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
4. Krishna Kumar S/o Dilip Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
5. Sanjay Singh S/o Late Sipahi Singh Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
6. Manoj Singh @ Manoj Kumar Singh S/o Late Sipahi Singh Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
7. Sudama Mahto S/o Late Ramkrit Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
8. Sudarshan Mahto S/o Late Ramkrit Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
9. Mantu Kumar Mahto S/o Sudama Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
10. Dharmendra Mahto S/o Sudama Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
11. Upendra Kumar S/o Sudama Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.
12. Baliram Kumar S/o Dilip Mahto Resident of Village-Dumari Chhapiya, P.S.-Taraiya, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

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| For the Appellant/s  | : | Mr.Dewendra Narayan Singh, Advocate |
| For the Respondent/s | : | Mr. Sadanand Paswan, A.P.P.         |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      04-12-2020      The present petition has been taken up for



consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellants and Shri Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 07.07.2020 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in Anticipatory Bail Petition No. 1307 of 2020 arising out of Taraiya P.S. Case No. 175 of 2020 registered under Sections 341, 323, 324, 354B, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The informant is alleged to have gone for easing herself on the alleged date and time of occurrence when the accused persons namely Lalu Kumar Singh, Saurav Kumar, Gunjan Kumar and Krishna Kumar had forcibly taken the informant in the bushes and had torn the T-shirt of the informant whereafter the other accused persons including the appellants herein had



arrived there and had abused the informant by using her caste name as also had assaulted the informant and her sister who had arrived there.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the appellants has further submitted that the fact is that the wife of the appellant no. 6 is the elected Ward Member of the concerned Ward of the locality and she in compliance of the oral orders of the concerned Block Development Officer, Isuapur, Saran had taken steps for construction of six sheet toilets under the *Samudayik Sauchalay Nirman* scheme of the Government in the colony of the persons belonging to the Scheduled Caste and the place selected for construction of the said *Sauchalay* is situated besides the house of the informant and this is the reason for the informant and others to have falsely implicated the appellants herein in a false case. It is also submitted that a bare perusal of the FIR would show that a general and omnibus allegation has been levelled against the appellant herein and moreover, there is no allegation of the appellant herein having taken any specific caste name for the purposes of abusing, either the informant or her sister.



Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that a general and omnibus allegation has been levelled against the appellants and moreover a bare perusal of the FIR does not depict that the appellants had abused the informant by taking any sort of specific caste name of the informant, I deem it fit and proper to direct for release of the appellants on anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA), Act, Saran at Chapra in connection with Taraiya P.S. Case No. 175 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 07.07.2020 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in Anticipatory Bail Petition No. 1307 of 2020 arising out of



Taraiya P.S. Case No. 175 of 2020 is set aside.

The Appeal stands allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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