

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.266 of 2020

Arising Out of PS. Case No.-121 Year-2018 Thana- NAANPUR District- Sitamarhi

MANISH KUMAR @ PRAVEEN CHAUDHARY Son of Chandeshwar Chaudhary Resident of Village - Koili Ward No.14, P.S.- Nanpur, Dist.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhat Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-01-2021 Heard the learned counsel appearing for the appellant 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 02.01.2020 passed by the learned 1st Additional District Judge-cum-Special Judge (SC/ST Act), Sitamarhi in Anticipatory Bail Petition No. 2532 of 2019 / 01 of 2020 arising out of Nanpur P.S. Case No. 121 of 2018 registered under Sections 341, 323, 354, 380, 504 and 34 of the Indian Penal Code and Section 3(i), (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The case of the prosecution, in brief, is that the daughter



of the informant used to work as a domestic help in the house of the accused persons including the appellant, however, subsequently the informant had refused to send her daughter to the house of the accused persons, however, on the alleged date and time of occurrence, she found that her daughter was missing whereafter, the informant had gone to the house of the accused persons and had found that her daughter was engaging in domestic work in the house of the accused persons, to which the informant had protested whereupon the accused persons are alleged to have abused and assaulted the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the appellant, by referring to paragraph no. 15 of the present appeal, has further submitted that a final form was filed by the Investigating Officer, upon investigation, finding the allegation levelled by the informant to be untrue, however, the learned court below has differed and taken cognizance under the various provisions of the Indian Penal Code and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Lastly, it is submitted that a general and omnibus allegation has been levelled qua the appellant herein.



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 materials available on record, I find that there is no allegation of the appellant having taken any caste specific name and moreover a general and omnibus allegation has been levelled against him as also the police/ Investigating Officer, after investigation, has found the case to be untrue, hence I deem it fit and proper to admit the appellant herein to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J.-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Nanpur P.S. Case No. 121 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 02.01.2020 passed by the learned 1st Additional District Judge-cum-Special Judge (SC/ST Act), Sitamarhi in Anticipatory Bail Petition No. 2532 of 2019 / 01 of 2020 arising out of Nanpur P.S. Case No.



121 of 2018, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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