

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.267 of 2020

Arising Out of PS. Case No.-30 Year-2015 Thana- SC/ST District- Darbhanga

MANISH KUMAR JHA Son of Late Madan Mohan Jha Resident of Village -
Becoun, P.S.- Bahera, Distt.- Darbhanga.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sameer Ranjan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-01-2021 Heard the learned counsel for the appellant
and Sri Binay Krishna, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”) against the refusal of prayer of anticipatory bail vide order dated 03.10.2019, passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POA) Act, Darbhanga in Anticipatory Bail Petition no. 1391 of 2019, arising out of Darbhanga SC/ST PS case no. 30 of 2015 under Sections 341, 323, 354, 504, 506 of Indian Penal Code and 3(i)(c)(s), 3(1)(2) of the Act, 1989.

The allegation is regarding the appellant



having taken work from the informant and his labourers as also had made part payment *in lieu* thereof but when the informant had asked him, on the alleged date and time of occurrence, to pay the balance amount of money for the work taken by the appellant from the labourers, he had abused him and told him that he would not pay a single penny. It is further alleged that when the wife of the informant had also arrived at the said place of occurrence, whereupon the appellant had also assaulted her.

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 has further submitted that a general and omnibus allegation has been levelled against the appellant herein and moreover, the police, upon investigation, has submitted a final form, finding the allegation levelled by the informant to be untrue, however the learned court below has differed from the same and has taken cognizance under the various provisions of Indian Penal Code and the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. It is further submitted that the allegation levelled in the FIR are false and



fabricated.

Per contra, the learned Spl.PP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also the fact that a general and omnibus allegation has been levelled against the appellant and moreover, the police, upon investigation, has found the case to be false, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail. Accordingly, let the abovenamed appellant, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each 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 PS case no. 30 of 2015, subject to the conditions as laid down under Section 438(2) of Code of Criminal



Procedure.

Accordingly, the impugned order dated 03.10.2019 passed by the court of learned 1st Additional Sessions Judge-cum-Special Judge (POA) Act, Darbhanga in connection with Darbhanga SC/ST PS case no. 30 of 2015 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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