

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.470 of 2020

Arising Out of PS. Case No.-178 Year-2019 Thana- TEGHRHA District- Begusarai

1. LOKESH JHA Son of Late Raghu Jha Resident of Barauni-2, Ward No. 3, P.S.- Teghra, District- Begusarai.
2. Shishu Jha @ Shishu Kumar Jha Son of Late Sideshwar Jha Resident of Barauni-2, Ward No. 3, P.S.- Teghra, District- Begusarai.
3. Duliya Jha Son of Late Bhawesh Jha Resident of Barauni-2, Ward No. 3, P.S.- Teghra, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Ms. Usha Kumari No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-01-2021 Heard learned Counsel for the appellants and learned
Additional Public Prosecutor for the State.

An order, dated 17.01.2020 passed by learned Special Judge, SC/ST Act, Begusarai, in A.B.A. No. 43 of 2020, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Teghra Police Station Case No. 178 of 2019 registered for the offences punishable under Sections 147/148/341/323/504/506/384/385/379/307 of the Indian Penal Code and Section 3 (r) (s) of the



Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that co-accused Lalji Jha had purchased sarees worth Rs. 20,000/- on credit from the informant and when the informant demanded his money, co-accused Vivek Jha assaulted the informant and co-accused Lalji Jha called the informant by his caste name.

Learned Counsel appearing on behalf of the appellants submits that the appellants have not committed any offence in the manner alleged and from perusal of the First Information Report, it would be evident that there is specific allegation of assault against co-accused Vivek Jha and calling the informant by his caste name is upon co-accused Lalji Jha. He further submits that similarly situated co-accused persons have been granted anticipatory bail by co-ordinate Bench of this Court, vide Annexure-2 series.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted anticipatory bail by this Court I am inclined to grant the appellants privilege of anticipatory bail.



Accordingly, this appeal is allowed and the order, dated 17.01.2020, passed in A.B.A. No. 43 of 2020, by learned Special Judge, SC/ST Act, Begusarai, is set aside.

Let the appellants, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Begusarai, in connection with Teghra Police Station Case No. 178 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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