

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.531 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. ASHOK THAKUR @ ASHOK SHARMA Son of Bhagelu Thakur
Residence of Village - Thekha, Fakira Tola, P.S.- Muffasil, Distt.- East
Champaran, Motihari
 2. Prabhu Prasad Son of Ramashis Prasad Residence of Village - Thekha,
Fakira Tola, P.S.- Muffasil, Distt.- East Champaran, Motihari
 3. Mishri Lal Prasad Son of Yogilal Prasad Residence of Village - Thekha,
Fakira Tola, P.S.- Muffasil, Distt.- East Champaran, Motihari
 4. Shivraj Prasad Son of Late Jagdish Prasad Residence of Village - Dhakahan,
Laxman Tola, P.S.- Muffasil, Distt.- East Champaran, Motihari
 5. Birendra Prasad Singh @ Birendra Prasad @ Beyas Son of Dipa Prasad
Residence of Village - Balutola, P.S.- Piprakothi, Distt.- East Champaran,
Motihari

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kumari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2021 Heard both sides.

The learned counsel for the appellants submits that
appellant No.3, Mishri Lal Prasad, has already been arrested.

In this view of the fact, the appeal of appellant No.3 is
dismissed as has become instructors.

Heard both sides.

The appellants filed this appeal under Section 14 (A)
(2) of the Scheduled Caste and Scheduled Tribe (Prevention of
Atrocities) against the order dated 26.10.2019 passed by the
learned 1st Additional Sessions Judge-cum- Special Judge,
SC/ST Act, East Champaran, Motihari in ABP No. 2579/2019



by which the anticipatory bail petition of the appellants has been rejected and for grant of anticipatory bail in Muffasil P.S. case No. 297/2019 registered under Section 147, 148, 149, 341, 342, 323, 352, 353, 427, 307, 504, 506 504, 506 of the IPC and u/s 3(1) (r), 3(2) (ra) of SC/ ST Act.

The learned counsel for the appellants submits that informant is ASI of police. The informant alleged that police after having received information that a person was killed went to the place of occurrence but many villagers were insisting to call for dog squad. When delay was caused in calling for the dog squad the appellants and others are alleged to have indulged in violence and made assault on the police and also damaged the police vehicle. It is submitted that similarly situated other accused persons have already been granted bail vide order passed in Cr. Appeal (SJ) No. 2080 of 2020 by a coordinate bench of this court. No offence under any Sections of the SC/ST Act is made out as the informant happens to be Schedule Tribe but no occurrence took place with a view to humiliate the members of the SC/ST in public view. The informant was on duty and the villagers peacefully protesting the inaction of the police.

The learned Spl. P. P. submits that similarly situated accused have already been granted anticipatory bail by this court on similar facts.

Taking into consideration the facts aforesaid, I find that the appellant deserves anticipatory bail. Accordingly, this appeal is allowed and the impugned order dated 26.10.2019 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 2579/2019 is set aside. The appellants No.1, Ashok Thakur @ Ashok Sharma ,



2. Prabhu Prasad, 4. Shivraj Prasad and 5. Birendra Prasad Singh @ Birendra Prasad @ Beyas, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, East Champaran, Motihari in connection with Muffasil P.S. case No. 297 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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