

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.514 of 2020

Arising Out of PS. Case No.-544 Year-2019 Thana- MINAPUR District- Muzaffarpur

Pappu Kumar @ Pappu Kumar Singh, aged about 35 years (Male), S/o Late Basudeo Singh, R/o Village Bishun Pandey, P.S. Minapur (Panapur O.P.), District Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-03-2021

Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 30.11.2019, passed in ABP No.3657 of 2019 by which the learned Special Judge SC/ST, Muzaffarpur rejected the prayer for anticipatory bail of the appellant in Minapur P.S. Case No.544 of 2019, registered under Sections 147, 149, 341, 323, 354, 379 and 504 of the Indian Penal Code, under Sections 3(i) of the SC/ST Act as well as under Sections 3/4 of the Prevention of Witch Craft Act.

The informant alleged that on 25.09.2019, the sole appellant Pappu Kumar Singh, Sushil Kumar Singh, Basanti Devi, Raja Babu, Saroj Singh, Sone Lal Singh and others came and abused the informant by naming her caste. They also alleged that the informant was practicing witch craft. On such allegation, they made her naked, put her down and put excreta in her mouth. The informant became unconscious. She was



brought to SKMCH for treatment.

Learned counsel for the appellant submits that the occurrence took place on 25.09.2019. The informant gave her statement in SKMCH on 30.09.2019, but the FIR was lodged on 20.10.2019. No specific allegation is made against the appellant. No offence under any section of the SC/ST Act is made out.

Mr. Santosh Kumar, the learned counsel for the appellant and Mr. Binay Krishna, the learned Special P.P. however, vehemently opposed the prayer for anticipatory bail and submits that it appears that the appellant and others making allegation against the informant that she is a witch assaulted and made her naked. They also put excreta in her mouth.

Having considered the facts that the appellant and others are alleged to have made allegation against a woman belonging to Scheduled Caste that she is a witch and, on such, the appellant put excreta in her mouth and assaulted her, I am not inclined to enlarge the appellant on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the appellant is rejected.

The appeal is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

