

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.819 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST District- Saran

1. RAHUL SINGH @ BANTI S/o Faujilal Singh R/o village- Shyamchak, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra
2. Faujilal Singh S/o Late Rajaram Singh R/o village- Shyamchak, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra
3. Modi Kumari @ Goldi D/o Faujilal Singh R/o village- Shyamchak, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra
4. Shanti Devi W/o Faujilal Singh R/o village- Shyamchak, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandra Mohan Jha, Adv.
For the State	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Devendra Narayan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-03-2021 Heard learned counsel for the appellants, learned Special P.P. and learned counsel for the informant.

The appellants filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 23.01.2020 passed in A.B.P. No.3885 of 2019 by which the learned Special Judge, SC/ST, Saran at Chapra rejected the prayer for grant of anticipatory bail of the appellants in Saran SC/ST P.S. Case No.06 of 2019 registered under Sections 341, 323, 379 and 34 of the I.P.C. and under Section 3(i)(x) of the SC/ST Act.

The informant alleged that on 15.02.2019 while he



was walking in front of the shop of one Ashok Kumar Srivastava, the accused persons (appellants) came there, abused by naming his caste and assaulted the informant, Hajari Manjhi and Vijay Manjhi.

Learned counsel for the appellants submits that appellants have not committed any offence. The informant of the case is a man of Bhola Nath Singh. The occurrence took place between Bhola Nath Singh on the one hand and the appellants on the other hand for which Bhola Nath Singh lodged Bhagwan Bazar P.S. Case No.73 of 2019. From the side of the appellants, Bhagwan Bazar P.S. Case No.74 of 2019 was also registered against Bhola Nath Singh and others including Bihari Manjhi. Bihari Manjhi is first cousin of Uttam Manjhi. Niteshwar Singh is a witness of the occurrence. Niteshwar Singh happens to be the brother-in-law of Bhola Nath Singh. At the instance of Bhola Nath Singh, the present case has been lodged only with a view to teach the appellants a lesson so that the appellants may not get bail.

Learned Special P.P. and Mr. Devendra Narayan Singh, learned counsel for the informant, however, opposed the prayer for anticipatory bail and submitted that on the face of it, the offence under different sections of the SC/ST Act is made



out.

Having considered the submissions and on perusal of the records, it appears that the occurrence took place on 15.02.2019 but the informant lodged the case only on 20.02.2019. The informant did not give any satisfactory explanation for such delay of five days. It further appears that from the side of the appellants, Bhagwan Bazar P.S. Case No.74 of 2019 was registered against Bhola Nath Singh in which Bihari Manjhi (first cousin of the informant Uttam Manjhi) is an accused. The informant himself arrayed Niteshwar Singh as a witness of the occurrence. Niteshwar Singh happens to be the brother-in-law of Bhola Nath Singh.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail. Accordingly, the order dated 23.01.2020 is set aside. The appeal is allowed. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Saran at Chapra in



connection with Saran SC/ST P.S. Case No.06 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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