

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2498 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- MANJHI District- Saran

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1. RAJA THAKUR, S/O ASHOK THAKUR R/O VILLAGE-MANJHI, GODHA, P.O. AND P.S.-MANJHI, DISTRICT-SARAN AT CHAPRA.
 2. BITTU THAKUR, S/O ASHOK THAKUR R/O VILLAGE-MANJHI, GODHA, P.O. AND P.S.-MANJHI, DISTRICT-SARAN AT CHAPRA.
 3. ANKIT SHARMA, S/O SURENDRA SHARMA R/O VILLAGE-MANJHI, GODHA, P.O. AND P.S.-MANJHI, DISTRICT-SARAN AT CHAPRA.
 4. DHARMENDRA YADAV, S/O UMESH YADAV R/O VILLAGE-MANJHI, GODHA, P.O. AND P.S.-MANJHI, DISTRICT-SARAN AT CHAPRA.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jagannath Prasad

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-09-2021 Heard Ms. Vijay Laxmi Srivastava, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 04.02.2021, passed by the learned 1st Additional



Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in A.B.P. No. 2767 of 2020, arising out of Manjhi P. S. Case No. 79 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 386, 354 and 307 of the Indian Penal Code; Section 27 of the Arms Act, 1959; and Sections 3 / 4 (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

Vide order 16.07.2021, this Court had called for the case-diary of the subject F.I.R.

The accusation in the F.I.R. is of the petitioners abusing and assaulting the members of the prosecution party.

The learned counsel for the appellants has submitted that the informant is the local Mukhiya and he does not hail from the SC/ST community.

She further submits that because of the dispute



of the informant with one Ranjeet Yadav, the appellants who are associated with Ranjeet Yadav have been made accused in this case. The appellant nos. 1 to 3 are students and were not even available in the village when the occurrence is said to have taken place.

Apart from this, it has been submitted that there is a counter version of the occurrence lodged by one Meena Kunwar against the informant of the subject F.I.R. and other accused persons *vide* Manjhi P. S. Case No. 80 of 2020.

It has been submitted that merely because of political rivalry, this case has been lodged.

From the narration of events in the F.I.R., the learned advocate for the appellants has submitted that the offence under any one of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 cannot at all be said to have been made out.

Four persons are said to have been injured in



the occurrence whose injury reports have been incorporated in the case-diary. Almost all the injured persons have complained of pain in their hands and swelling in one of their limbs. Though the nature of injuries has not been specified but from the dimension of the injuries, it appears that those are simple in nature.

For the afore-stated reasons, the order dated 04.02.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST



(POA) Act, Saran at Chapra, in connection with Manjhi
P. S. Case No. 79 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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