

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.877 of 2022

Arising Out of PS. Case No.-402 Year-2020 Thana- SAKRA District- Muzaffarpur

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1. Ram Avtar Sah S/o Late Satahu Sah R/o village- Marwan, P.S.- Sakra, District- Muzaffarpur
 2. Jitendra Kumar @ Jitendra Kumar Sah S/o Ram Avtar Sah R/o village- Marwan, P.S.- Sakra, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate.

For the Respondent/s : Mr. Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Learned counsel for the Appellants is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the Appellants as well as learned Special Public Prosecutor for the State.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated



03.02.2022 passed by the learned Additional Session Judge-III-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur in connection with Sakra P. S. Case No. 402 of 2020 registered for the offences punishable under Sections 147, 148, 149, 329, 307, 394(b) of the Indian Penal Code and Sections 3(2)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on 23.08.2021, the accused Manchun Devi was abusing the informant and his family by taking their caste name. On protest being made, all the accused persons including the appellants variously armed came and started abusing and assaulting them. It is further alleged that the appellant no. 1 tried to outrage the modesty of the informant, the appellant no. 2 assaulted the husband of the informant by means of iron rod over his head.

Learned counsel appearing on behalf of the appellants submitted that in fact, on account of trifling issue a free fight has taken place, in which persons of both sides have sustained injuries, however, the prosecution has failed to explain the injuries sustained on the persons of appellants side. It is further submitted that there is counter version of the present case being Sakra P. S. Case No. 443 of 2020 instituted by the family members of the appellants. It is also submitted that so far



the allegation of abusing is concerned, the same has been levelled against all the accused persons and general in nature. It is further submitted that the allegation of outraging the modesty of a woman is nothing but an exaggeration, however, the appellants are neighbours having fair antecedent and they are in custody since 12.01.2022 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned Special Public Prosecutor for the State opposes the bail application and submits that there is specific allegation against the appellants, who have assaulted and tried to outrage the modesty of a woman.

Having considered the submissions made on behalf of the parties and taking into account the fact that a free fight has taken place between both the sides, who are neighbours, apart from that the appellants are the men of fair antecedent and they are in custody since 12.01.2022, and the charge-sheet has already been submitted, let the appellants, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with



Sakra P. S. Case No. 402 of 2020.

In view of the aforesaid fact, the impugned order dated 03.02.2022 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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