

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2353 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- MANJHI District- Saran

-
1. DILER PRASAD @ DILER PATEL S/O CHATURGUN PRASAD
RESIDENT OF VILLAGE-MARIYA, P.S-MANJHI AND THE DISTRICT-
SARAN.
 2. CHATURGUN PRASAD S/O LATE RADHAGOVIND PRASAD
RESIDENT OF VILLAGE-MARIYA, P.S-MANJHI AND THE DISTRICT-
SARAN.
 3. UMESHCHAND PRASAD @ UMESH PATEL S/O LATE
RADHAGOVIND PRASAD RESIDENT OF VILLAGE-MARIYA, P.S-
MANJHI AND THE DISTRICT-SARAN.
 4. ANSHU @ ANSHU KUMAR S/O UMESH PATEL @ UMESHCHAND
PRASAD RESIDENT OF VILLAGE-MARIYA, P.S-MANJHI AND THE
DISTRICT-SARAN.
 5. SUMANT SAH S/O HAKIM SAH RESIDENT OF VILLAGE-MARIYA,
P.S-MANJHI AND THE DISTRICT-SARAN.
 6. RAGHAV PRASAD S/O KISUN PRASAD RESIDENT OF VILLAGE-
MARIYA, P.S-MANJHI AND THE DISTRICT-SARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Jwala Kumar Paswan Dookhan Manjhi Vill-Matiya, PO and P.S.-Manjhi,
Distt-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiv Shankar Prasad Yadav
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-03-2022 Heard learned counsel for the appellants and learned

Spl.P.P. for the State. Though vakalatnama has been filed on

behalf of the respondent no.2, in view of the earlier order of

this Court but today when the case is called out, nobody

appears for respondent no.2.



Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court functioning. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter, in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 22.02.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Saran at Chhapra, in connection with Manjhi P.S. Case No.369 of 2020, registered u/s 341/323/325/504/34 of the IPC and sections 3 (1) r/ 3 (2) va of the SC/ST Act.

The prosecution case in short is that on the alleged date of occurrence, when the informant was coming back to his house, he was surrounded by the accused persons, who abused him with caste name and thereafter he was assaulted by them.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case due to



ulterior motive. There is general and omnibus allegation against the appellants and no specific overt act is levelled upon them. The appellants had already lodged an FIR bearing Manjhi P.S. Case No.59 of 2020, against the informant and his father and due to that grudge, this false case has been lodged against the appellants. It is further submitted that as per the injury report, the injuries are simple in nature. Since there is no specific overt act against any of the accused, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent, as also mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, since there is no specific allegation against the appellants, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/-(Rs. Twenty Five Thousand) each with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Saran at Chhapra, in connection with Manjhi P.S. Case No.369



of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

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

