

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1474 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

1. CHANDAN JHA Son of Harsh Narayan Jha Resident of village - Raiyam, P.S.- Bhairabsthan, District - Madhubani.
2. Rikesh Jha @ Ritesh Kumar Jha Son of Nabonath Jha Resident of village - Raiyam, P.S.- Bhairabsthan, District - Madhubani.
3. Amir Kumar Jha Son of Surendra Jha Resident of village - Raiyam, P.S.- Bhairabsthan, District - Madhubani.
4. Harsh Narayan Jha Son of Late Ghuran Jha Resident of village - Raiyam, P.S.- Bhairabsthan, District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-09-2022 Heard learned counsel for the appellants and learned Special P.P. for the State. Despite several adjournments, today again, nobody appears on behalf of informant.

The present appeal has been filed against order dated 09.03.2022 passed by learned A.D.J.-I cum Special Judge, Madhubani in Bhairabsthan P.S. Case No. 90 of 2021 registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act'),



whereby the prayer for anticipatory bail of appellants was rejected.

As per F.I.R., all the F.I.R. named accused persons including appellants, armed with *Bhala*, *Garasa*, iron rod etc. came and started assaulting informant and his family members, due to which, they sustained injuries. Appellant no. 4 (Harsh Narayan Jha) is alleged to have abused the informant by his caste name, whereas, appellant no. 2 (Rikesh Kumar) snatched gold locket from the neck of the informant.

It is submitted on behalf of appellants that present F.I.R. has been lodged only with a view to create defence of the counter case lodged by the co-accused Nandan Jha and to pressurize them to compromise the case, which was lodged against informant and others. The injuries sustained by the injured are simple in nature. From perusal of F.I.R. itself, it is apparent that no case under the SC/ST Act is made out, as the alleged occurrence has not taken place in the public view. The appellants have got clean antecedent.

However, learned Special P.P. vehemently opposes the prayer for anticipatory bail.

Considering the aforesaid facts & circumstances as well as clean antecedent, let the above-named four appellants, in



the event of their arrest/surrender within a period of six weeks from today, 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 A.D.J.-I cum Special Judge, Madhubani in connection with Bhairabsthan P.S. Case No. 90 of 2021.

Accordingly, the impugned order dated 09.03.2022, so far as these appellants are concerned, is set aside and this appeal is allowed.

(Prabhat Kumar Singh, J)

anay/-

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

