

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1555 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- SC/ST District- Madhubani

=====

Gajendra Jha @ Gajendra Kumar Jha, male, aged about 39 year, Resident of Village- Kaithahi, P.O + P.S.-Rajnagar, District- Madhubani.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Santosh Kumar Manjhi, son of Rambali Manjhi, resident Of Village-Uttali Bara, P.S.-Tankuppa, District-Gaya

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Vikas Kumar Jha
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the appellant and the learned
Special Public Prosecutor for the State.

The appellant has challenged the order dated 31.03.2022 passed by the learned Additional Sessions Judge 1st-cum-Special Judge (SC/ST Act), Madhubani in connection with Madhubani SC/ ST P. S. Case No.53 of 2021, instituted for the offences under Sections 500, 501, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)/ 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that the appellant is a persons with clean antecedent and the informant,



who claims to be a party worker of Hindustan Awam Morcha, alleges that the appellant used insulting and abusive words against his party's National President Sri Jitan Ram Manjhi. It is further alleged that the appellant also said that whoever will cut off the tongue of Manjhi, he will give a reward of Rs.11 Lakhs to that person. Accordingly, it is alleged that the said words of the appellant hurt the sentiments of the party's workers along with the informant.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that the present F.I.R. came to be instituted by a person, who does not have locus to institute the F.I.R. It is next submitted that even the informant does not call within the definition as incorporated under Section 2(bb) of the Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Act, 1989 which defines dependent. It is next submitted that Sri Jitan Ram Manjhi, the Ex-Chief Minister of Bihar while addressing a public rally had used certain words against a particular community which hurt the sentiments of the community which led to emotional outburst. It is submitted that even Sri Jitan Ram Manjhi publically announced, he does not want any legal action against the appellant and even the appellant posted a video wherein he has stated that he will embrace Sri Jitan Ram Manjhi and will give respect to him. The learned counsel thus submits



that the informant only with a view to gain mileage in the party, instituted the present case when he did not have the locus to institute the present F.I.R., nor the aggrieved ever made in complains against the appellant.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 31.03.2022 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge (SC/ST Act), Madhubani in connection with Madhubani SC/ ST P. S. Case No.53 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

vikash/-

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

