

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3233 of 2021

Arising Out of PS. Case No.-234 Year-2021 Thana- GARKHA District- Saran

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1. PRAFUL KUMAR SAHI @ PRAFULLA KR. SHAHI Son of Rana Pratap Sahi @ Rudra Vinayak Shahi Resident of Village-Hakama, P.S.- Garkha, District- Saran.
 2. Madhurendra Kumar Sahi @ Madhurendra Kumar @ Madhurendra Kr. Shahi S/o Rana Pratap Sahi @ Rudra Vinayak Shahi Resident of Village-Hakama, P.S.- Garkha, District- Saran.
 3. Sudhanshu Kumar Sahi @ Sudhanshu Singh S/o Dushyant Singh Resident of Village-Hakama, P.S.- Garkha, District- Saran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Raju Kumar Manjhi son of Lalan Manjhi resident of village- Hakma, P.S.- Garkha, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anant Kumar Bhaskar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For Res. No.2	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 of anticipatory bail vide order dated 25.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in



connection with Garkha P.S. Case No.234 of 2021, registered under Sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s)(w)/3(ii)v of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that earlier the appellants have filed a case against the informant and thereafter the informant has filed the present case against the appellants. Learned counsel for the appellants further submits that though there is allegation of abuse by naming caste against the appellants, but the occurrence took place at the *darwaza* of the informant, which does not come within the purview of public view. It is submitted that there is general and omnibus allegation against the appellants.

Learned Special P.P. for the State as well as the learned counsel for the informant opposed the prayer for anticipatory bail of the appellants.

Having considered the fact that the occurrence took place at the *darwaza* of the informant, which does not come within the purview of public view, let appellants, above named, in the event of their arrest or surrender before the learned court



below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Garkha P.S. Case No.234 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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