

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2014 of 2022**

Arising Out of PS. Case No.-71 Year-2022 Thana- ROSHANGANJ District- Gaya

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| 1. RAJENDRA PRASAD @ RAJENDRA MAHTO S/o Late Ramdeo Mahto
2. Raifal @ Ramfal Ranjan Kumar @ Babua S/o Rajendra Prasad @ Rajendra Mahto
3. Futun Kumar @ Subhash Kumar S/o Kameshwar Chaudhari
All R/o village- Bihargain, P.S.- Roshanganj, District- Gaya | Appellant/s |
| Versus | |
| 1. The State of Bihar
2. Sukumari Devi W/o Ajay Mandal R/o village - Bihargain, Bhuin Toli, P.S.- Roshanganj, District- Gaya | Respondent/s |
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Appearance :

For the Appellant/s	:	Mr. Md. Javed Jafar Khan, Advocate
For the Respondent/s	:	Mrs. Usha Kumari I, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 21-09-2022 Heard learned counsel for the parties.

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 anticipatory bail vide order dated 12.05.2022 in A.B.P. No. 3765/2022/102/2022 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Roshanganj P.S. Case No. 71 of 2022 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r) (s) of the SC/ST Act.

Learned counsel for the appellants submits that appellant no. 1 has antecedent of two cases and appellant no. 2 and 3



are persons with clean antecedent but the same inadvertently could not be stated at para 3 of the memo of appeal.

The informant alleges that on 02.04.2022, at 07:00 p.m., the accused persons, namely, Rajendra Mahto, Rayfal @ Babua, Abhishek Kumar, Archana Kumar and Futun Kumar entered into her house and started assaulting her with fists and slaps and abused and threatened to kill her. On alarm being raised, the villagers came and subsided the matter.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case and from bare perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place at the house of the informant and thus was not in public view, as such, prima facie, no offence under the SC/ST Act is made out. It is further submitted that the FIR does not even remotely suggest that as to why the occurrence took place as no occurrence takes place without any motive, this further gives an impression that the FIR was instituted with a malicious intention. It is next submitted that the date of occurrence is 02.04.2022 and the FIR came to be instituted on 13.04.2022 i.e. after a delay of more than 10 days which further demonstrates that the FIR came to be instituted by way of afterthought.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned



counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

Further, before accepting the bail bond of the appellants, the learned trial court shall verify with respect to the criminal antecedent of appellants no. 2 and 3 and in the event if any criminal antecedent of any of the appellants or both the appellants is found then the present order shall not be acted upon in their favour i.e. appellants no. 2 and 3.

(Satyavrat Verma, J)

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