

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3098 of 2021

Arising Out of PS. Case No.-50 Year-2021 Thana- HAYAGHAT District- Darbhanga

1. AVINASH KUMAR @ AVINASH JHA Son of Gulab Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.
2. HARIOM JHA Son of Late Anil Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.
3. Siya Ram Jha S/o Late Jiban Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.
4. Dipankar Jha S/o Randhir Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.
5. Nawal Kishor Jha S/o Jivan Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.
6. Mahanand Jha S/o Bajrangi Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.
7. Rakesh Kumar Jha @ Shiban Kumar Jha S/o- Fultan Jha @ Jitendra Jha Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Roshan Kumar S/o Haridav Ram Resident of Village- Pauram, P.S.- Hayaghat, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Vide order dated 10.05.2022, notice was issued to respondent no.2, which was validly served upon him, but nobody appears on his behalf today.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 23.04.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, (POA) Act, Darbhanga in connection with Hayaghat P.S. Case No.50 of 2021, registered under Sections 147, 148, 149, 341, 323, 307, 354, 379, 447, 504, 506 of the Indian Penal Code and Sections 3(I)(r), 3(I)(s) and 3(I)(w) of the SC/ST Act.

The prosecution case, in brief, is that on 28.03.2021 at 9.30 A.M., co-accused, Gulab Jha was barricading the public way, which was protested by the informant and his caste men. It is alleged that on protest, Gulab Jha abused the informant by naming his caste. It is further alleged that on the same day at about 7.00 P.M., co-accused, Gulab Jha called the other accused persons, namely, Dipak Chaudhary, Avinash Kumar Jha, Abhishek Kumar Jha, Dipankar Jha, Shivam Kumar Jha, Hariom Jha, Siyaram Jha, Jai Kishore Jha and Kanhai Jha and they started assaulting the informant. It is further alleged that accused Naval Kishore Jha gave Tengari blow on the head of the informant and caused injury. When caste men of the informant came to save them, the accused persons also assaulted them. It is alleged that when the aunt of the informant, namely, Renu



Devi came to save him, Mahanand Jha gave iron rod blow to her, due to which she also sustained injury. It is also alleged that accused Abhishek Jha snatched Mangal Sutra from the neck of Renu Devi. It is further alleged that female members of Gulab Jha brick battled upon the house of the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the specific allegation is against Gulab Jha who assaulted the informant and his family members and also abused the informant by naming his caste. There is general and omnibus allegation against the appellants. It is also submitted that there is case and counter case between the parties and both sides sustained injuries. The injuries are simple in nature.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the facts aforesaid, 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, (POA) Act, Darbhanga in connection with Hayaghat P.S. Case No.50 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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