

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3805 of 2021

Arising Out of PS. Case No.-111 Year-2021 Thana- HATHAURI District- Muzaffarpur

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1. Suresh Sah Son Of Vinod Sah Resident Of Village- Baluaham, P.S-
Hathauri, Dist- Muzaffarpur
 2. Mukesh Kumar @ Mukesh Sah Son Of Vinod Sah Resident Of Village-
Baluaham, P.S- Hathauri, Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sanjeet Kumar Paswan Son of Ramsurat Paswan R/o vill- Baluaha, P.S.-
Hathauri Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranvijay Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 14-12-2022 Heard learned counsel appearing on behalf of
appellants and Spl.P.P.

This appeal has been against the order dated 18.08.2021 passed by learned Additional Sessions Judge 3rd-cum-Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Hathauri P.S. Case No. 111 of 2021, registered under Sections 307, 504 and other allied sections of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(Va) of the SC/ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

As per FIR, all the accused persons including these



appellants assaulted the family members of the informant and tried to outrage the modesty of Geeta Devi. They also damaged the property and robbed household articles.

It is submitted on behalf of appellants that the appellants are innocent and have falsely been implicated in this case. Allegation against these appellants in general and omnibus. There is no allegation of abusing by caste name and as such no offence under Section 3(i)(r)(s)/3(2)(Va) of SC/ST Act is made out. Present case is counter blast of Hathauri P. S. Case No. 112 of 2021. Moreover, FIR has been lodged after a delay of two days and there is no explanation for the same. Appellants have got clean antecedent.

Learned counsel for respondent No.2 vehemently opposes the prayer for bail application.

Considering the facts and circumstances of the case, let the appellants, as named above, 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 Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur, Patna in connection with Hathauri P.S. Case No. 111 of 2021.



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

(Prabhat Kumar Singh, J)

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