

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.603 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- SC/ST District- Bhagalpur

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1. Madan Kumar Jha Son of Bibhash Chandra Jha R/o village- Tetri, P.S.- Naugachia, District- Bhagalpur.
 2. Rohit Kumar Jha Son of Bibhash Chandra Jha R/o village- Tetri, P.S.- Naugachia, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Prahlad Das S/o Late Hiya Lal Das R/o village- Tetri, P.S.- Naugachia, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the State	:	Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-06-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

By order dated 05.04.2022, notice was issued to respondent no.2. The office points out that notice has validly been served upon respondent no.2 and respondent no.2 appeared through Vakalatnama, but today nobody appears on behalf of respondent no.2.

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 25.09.2020, passed by Additional Sessions Judge-III-cum-Special Judge



(S.C./S.T.) Act, Bhagalpur in connection with Naugachia (SC/ST) P.S. Case No.06 of 2020, registered under Sections 341, 323, 448, 337, 379, 354B, 504, 506, 325, 307, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

The prosecution case, in brief, is that on 08.03.2020 at about 11.00 p.m. while the Barat of the daughter of Acharya Choudhary was going, the appellants as well as other five FIR named accused persons stopped the DJ at the door of the informant and started abusing. When the informant protested, all accused persons entered into his house and assaulted the informant and his brother on their head by means of iron rod. When the wife of the informant came to save him, she was also assaulted with fists and slaps and her Sari was also pulled. The appellants and other accused persons also took away Mangalsutra and gold earring from his wife and rings from the informant and his brother. The accused persons also abused the informant by naming their caste.

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 from perusal of the FIR, it is clear that the allegations are general and omnibus. It is submitted that earlier appellants have filed a case against the informant and his brother being Naugachia P.S. Case No.01 of



2016, under Sections 341, 323, 504, 506, 427, 379 and 34 of the Indian Penal Code. The trial of the said case is at fag end and there is chance of their conviction, therefore, only to put pressure upon the appellants to compromise the case, the present case has been lodged and the appellants have been made accused.

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

Taking into consideration the fact that there is general and omnibus allegation against the appellants, 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 enlarged 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 Additional Sessions Judge-III-cum-Special Judge (S.C. & S.T.) Act, Bhagalpur in connection with Naugachia (SC/ST) P.S. Case No.6 of 2020, subject to the conditions 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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