

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2894 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

-
-
1. VIKASH MAHARSHI S/o Upendra Sharma R/o- Ward No. 32, Mohalla-
New Agarwa, Motihari Post- Motihari, East Champaran, Bihar- 845401
 2. Manish Kumar Singh S/o Samrendra Singh R/o- Patpariya Hal, Motihari,
East Champaran, Bihar- 845401

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kishun Manjhi S/o Late Mankeshar Manjhi R/o- Gandhinagar Telhara
Khurd, P.S.- Kundwa Chainpur, District- East Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Heard learned counsel for the appellants and learned

Special Public Prosecutor for the State along with learned

counsel for the respondent no.2/informant.

Learned counsel for the appellants undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

This is an appeal under Section 14(a)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act), against the refusal of prayer of anticipatory bail



vide order dated 16.06.2022 passed by learned Special Judge SC/ST, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 19 of 2022 registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(I)(a)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The alleged occurrence took place on 24.01.2022 and the F.I.R. has been lodged on 27.01.2022 after delay of 3 days of alleged occurrence without any explanation which itself falsify the whole prosecution case. Appellant no.1 has got three criminal antecedent and appellant no.2 has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2/informant opposed the prayer for bail and submits that from the perusal of the F.I.R it is clear that the allegation against the appellants is of abusing the informant by taking his caste name. Therefore, they does not deserve anticipatory bail.



Considering the facts and circumstances of the case, I
am not inclined to enlarge the petitioner on anticipatory bail in
connection with Kundwa Chainpur P.S. Case No.19 of 2022.

Accordingly, this application is hereby dismissed.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

