

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4370 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- SC/ST District- Araria

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1. MANTU KUMAR JHA Son of Late Shivanand Jha
 2. Bishnu Kant Jha Son of Late Badrinath Jha
 3. Chandrakant Jha Son of Late Badir Nath Jha
 4. Bijay Kumar Jha Son of Bhimshankar Jha
 5. Udyanand Jha Son of Late Bodhnarayan Jha
 6. Govind Jha son of Girjanand Jha
All Residents of Village - Haripur, Ward No. 01, P.S. - Ghurna, District-
Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Khikhari Devi Wife of Girijanand Paswan Resident of Village- Maheshpati,
Ward No.13, P.S.- Dhurma, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 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 21.09.2021 in A.B.P. No. 1725 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 09 of 2021 registered under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(2)(va) of



the SC/ST Act.

Learned counsel submits that the appellants are persons with clean antecedent.

The informant alleges that on 22.01.20221 at about 08:00 a.m. all the accused persons including the appellants on account of land dispute came to her house and abused her by taking her caste name and also assaulted her. It is further alleged that Mantu Kumar Jha caught her and dashed her on the ground and assaulted her with fists and slaps on account of which her clothes got torn and she became semi necked and when her husband came to save her all the accused persons assaulted him by fists and slaps and also snatched silver locket of the informant.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is further submitted that the date of occurrence is 22.01.2021 and the FIR came to be instituted on 09.02.2021 i.e. after a delay of more than 18 days of the occurrence which amply demonstrates that the informant by way of afterthought on account of land dispute has falsely implicated the appellants. It is next submitted that even presuming what has been alleged is true without admitting the same for the purpose of anticipatory bail then also



the entire occurrence took place at the house of the informant and thus was not in public view, as such, SC/ST Act is not attracted and as far as allegation of snatching of silver locket is alleged, the same is ornamental in nature.

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.

(Satyavrat Verma, J)

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