

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3174 of 2022**

Arising Out of PS. Case No.-397 Year-2022 Thana- DANAPUR District- Patna

MANOJ KUMAR S/o- Arun Kumar Resident of Anand Bazar, P.S.- Danapur,
District - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Ms.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-11-2022 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 21.07.2022 in A.B.P. No.4811 of 2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Danapur P.S.Case No. 397 of 2022 registered under Sections 447,448,341,323,354,307,504,506/34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in short, is that accused Ashok Thikedar told the informant to work in filthy language to the informant and also hurled abuses to the informant. When the



informant, refused, the accused persons including the appellant assaulted the informant with different weapons. When the mother of the informant tried to save her, the accused persons also assaulted the mother of the informant and they misbehaved with informant and her mother. Accused Manoj assaulted the informant with iron rod, as a result of which she sustained injury on her head, thereafter, she was taken to the hospital.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to land dispute. Further submits that there is case and counter case. Further submits that accused No.2 has lodged an FIR bearing Danapur P.S.Case No.398 of 2022 for the same occurrence and the appellant is husband of the accused No.2. Further submits that no case is made out against the appellant under SC/ST Act because both the parties are same caste and community. Further submits that there is specific allegation of assault by iron rod on the head of the informant against the appellant but the injury report of the informant suggests that the injury caused by hard and blunt substance.

The learned counsel for the informant as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellant and submits that



there is direct allegation of assault against the appellant. Further submits that the appellant carries two more cases other than the present one.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

Hence, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of 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 and with other following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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