

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3671 of 2022**

Arising Out of PS. Case No.-306 Year-2022 Thana- MAHUA District- Vaishali

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1. RUPESH KUMAR S/O ARUN SHUKLA Resident of village- Rampurani, P.S.- Mahua, District- Vaishali.
 2. JITENDRA KUMAR S/O BHUSHAN SHUKLA Resident of village- Rampurani, P.S.- Mahua, District- Vaishali.
 3. RATNESH KUMAR @ CHUN CHUN KUMAR S/O AMARNATH SUKHLA Resident of village- Rampurani, P.S.- Mahua, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMPRVESH MANJHI S/O FUDENA MANJHI Resident of village- Karanpura, P.S.- Mahua, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amresh Kumar Sinha, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 07-12-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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 23.09.2022 in A.B.P. No. 2564 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Mahua P.S. Case No. 306 of 2022 registered for the offences punishable under Sections 447, 341,



323 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s)(w) of the SC/ST Act.

Learned counsel for the appellants submits that appellant no.1 has antecedent of one case, appellant nos. 2 and 3 are persons with clean antecedent and the informant alleges that accused persons came to his house and abused by taking cast name and on protest he was assaulted, further appellant no.1 tore the blouse of his wife and thus made her semi-naked.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the same are general and omnibus in nature as it does not specify who assaulted the informant, it is next submitted that even presuming what has been alleged is true, then the entire occurrence took place in the house of the informant and thus was not in public view as such the rigors of the S.C./S.T. Act is not made out *prima-facie*, it is also submitted that as far as allegation of tearing the blouse of informant's wife against Rupesh is alleged, the same is ornamental in nature.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.



In view of the submissions made by the learned counsel for the appellants, the order dated 23.09.2022 in A.B.P. No. 2564 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Mahua P.S. Case No. 306 of 2022 is hereby set aside and the 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 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/successor court in connection with Mahua P.S. Case No. 306 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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