

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.378 of 2023

Arising Out of PS. Case No.-50 Year-2017 Thana- SC/ST District- Madhepura

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1. MANOJ KUMAR @ MANOJ MEHTA S/O SITARAM MEHTA R/V- TOKA SIHPUR, P.S.- GAMHARIA, DISTRICT- MADHEPURA
 2. PRASHANT KUMAR @ PRASHANT MEHTA @ PRASANT MEHTA S/O VINDESHWARI MEHTA R/V- TOKA SIHPUR, P.S.- GAMHARIA, DISTRICT- MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SHUSHILA DEVI @ SUSHILA DEVI W/O CHANDESHWARI RAM R/V- TOKA SIHPUR, TOLA- LATAMBARI WARD NO 5, P.S.- GAMHARIA, DISTRICT- MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amarnath Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 15-12-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the rejection of prayer for anticipatory bail vide order dated 07.11.2022 passed by the learned 1st Additional District and Sessions Judge-cum- Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Madhepura on ABP No. 1184/2022 in SC/ST Complaint Case No. 96/ 2019 registered for the alleged offences under Sections 341, 323, 379, 504 read with Section 34 of the Indian Penal Code and Sections 3(i)(s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant was going to field for grazing the goats then her goat went to the field of the co-accused Anmol Mehta and grazed the Paddy plants. Thereafter, the appellants and the co-accused persons are alleged to have assaulted the informant with fist and abused her by calling her caste name. It is further alleged that the co-accused Anmol Mehta also snatched silver locket from the informant.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that the appellants have no concern with the alleged offence. It is further submitted that the occurrence took place in the field and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. The appellants have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 07.11.2022 passed by the



learned 1st Additional District and Sessions Judge-cum- Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Madhepura on ABP No. 1184/2022 in SC/ST Complaint Case No. 96/ 2019, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum- Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Madhepura in SC/ST Complaint Case No. 96/ 2019 on ABP No. 1184/ 2022 in connection with SC/ST Complaint Case No. 96/ 2019, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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