

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1138 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- AWTARNAGAR District- Saran

Mantu Kumar @ Mantu Kumar Rai Son Of Jamadar Rai R/V- Haraji P.S-
Awtarnagar, Dist- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhola Kumar Son of Chandrika Manjhi R/V- Haraji P.S- Awtarnagar, Dist-
Saran At chapra

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 20.09.2023, he has informed the informant/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 12.01.2023, passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Awtar Nagar P.S. Case No. 92 of 2022, registered under



Sections 341, 323, 324, 325, 427, 448, 504, 506/34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

4. As per the prosecution case, on the alleged date and time of occurrence, all the FIR named accused persons including the appellant assaulted the informant and damaged his motorcycle and also abused him by taking caste name.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 22.09.2023 passed in Cr. APP (SJ) No. 1255 of 2023. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned Additional Sessions Judge-III-cum-Special Judge,
SC/ST Act, Saran at Chapra in connection with Awatar Nagar
P.S. Case No. 92 of 2022, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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