

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1730 of 2023

Arising Out of PS. Case No.-77 Year-2012 Thana- CHACKMEHSI District- Samastipur

1. MANISH KUMAR SON OF NAVAL KISHOR SINGH RESIDENT OF VILLAGE - MANIYARPUR, P.S. - CHAKMEHSHI, DISTT. - SAMASTIPUR, BIHAR
2. DEEPAK KUMAR SON OF NAVAL KISHOR SINGH RESIDENT OF VILLAGE - MANIYARPUR, P.S. - CHAKMEHSHI, DISTT. - SAMASTIPUR, BIHAR
3. RAMPUKAR SINGH SON OF RAMCHANDRA SINGH RESIDENT OF VILLAGE - SOMNAHA, WARD NO. 14, P.S. - CHAKMEHSHI, DISTT. - SAMASTIPUR, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNAINA DEVI WIFE OF LALORAM RESIDENT OF VILLAGE - SOMNAHA, WARD NO. 14, P.S. - CHAKMEHSHI, DISTT. - SAMASTIPUR, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prakash Chandra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-09-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 20.07.2023, he informed the complainant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 27.01.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Chakmehsi P.S. Case No. 77 of 2012 registered under Sections 448, 341, 323, 354, 504, 506 of the Indian Penal Code and Section 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including these appellants are said to have entered the house of the informant and tried to kidnap her minor daughter. On raising alarm, when the informant tried to save her daughter, the accused persons abused and slapped her.

5. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail and submits that there is specific allegation of abusing the informant by taking her caste name against appellant no.3,



hence he does not deserve anticipatory bail.

7. In the facts and circumstances of the case, as there is no specific allegation of abusing the informant by taking his caste name against appellant nos. 1 & 2, the above named appellant nos. 1 & 2, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Chakmehsi P.S. Case No. 77 of 2012 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is specific allegation against appellant no.3 to abuse the informant by taking her caste name, I am not inclined to grant the appellant no.3 on bail. The prayer for bail of the appellant no.3 is hereby rejected.

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

(Anjani Kumar Sharan, J)

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