

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2089 of 2023

Arising Out of PS. Case No.-17 Year-2021 Thana- BHADAUR District- Patna

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MONU KUMAR @ SAURAV KUMAR Son of Vipin Kumar Resident of
village - Mayabigha, P.S.- Bhadaur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Mochi Son of Late Indradeo Ravidas Resident of village - Goriyari,
P.S.- Bhadaur, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mrs. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellant and learned Special

Public Prosecutor for the State. Although a vakalatnama is on
record on behalf of respondent no.2 but none is present on his
behalf.

2. 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
31.03.2023 passed by learned Exclusive Special Judge (SC/ST
Act), Patna in connection with Bhadaur P.S. Case No. 17 of
2021 registered under Sections 341, 342, 323, 504 & 506/34 of
the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The appellant along with other co-accused is said to have assaulted and abused the informant by taking his caste name and also damaged his vehicle.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. It is further submitted that from bare perusal of the F.I.R., it is evident that no specific allegation has been made against the appellant for abusing him by taking his caste name. It is further submitted that similarly situated co-accused, Lallu Kuar @ Sudarshan Kumar and others have already been granted bail by this Court vide order dated 16.11.2022 passed in Cr. Appeal (SJ) No.3005 of 2021. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 released 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 Exclusive Special



Judge (SC/ST Act), Patna in connection with Bhadaur P.S. Case No.17 of 2021, 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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