

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2472 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- BAHERA District- Darbhanga

-
1. KRISHNA KUMAR JHA S/o- ARJUN JHA Village- Korthu Ps- Ghanshyampur dist- Darbhanga
 2. SUMAN KUMAR SAHU S/o- KHUSHI LAL SAHU Village- Balha Po- Naudega, Ps- Biroul Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. JAWAHAR PASWAN son of Late Phudar Paswan Village- Andauli Ps- Alinagar Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Jha
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Gopal Jha
		Mr. Rajesh Kumar Verma
		Mr. Shreepal Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 29.04.2023 passed by learned (I/c) 3rd Additional Sessions Judge-cum-Exclusive Special Judge SC/St (POA) Act, Darbhanga, Bihar in connection with Bahera P.S. Case No.138 of 2023, registered



under Sections 379, 354(B), 420 and other allied Sections of the Indian Penal Code and Section 3(i) (r), 3(i)(s), 3(i)(w) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants who are practicing Advocate in Civil Court, Darbhanga are said to have abused the informant and also assaulted him when the informant refused to pay Rs.35,000/- fees to them. It is alleged that the appellants snatched Rs.3000/- from the informant. It is also alleged that when the wife of the informant intervened, the appellants assaulted her and tried to outrage her modesty.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case at the instance of the informant. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The appellants are practicing lawyers in the Sub-Divisional Court, Benipur, Darbhanga and there is no specific overt act against them. There is an inordinate delay of fourteen days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposed the prayer for bail. It is submitted by the learned counsel for the respondent no.2 that there is a serious allegation against the appellants to abuse and assault the informant and also to sexually assault the wife of the informant.

6. In the facts and circumstances of the case as there is a delay in lodging of the FIR, let the above named appellants, 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 (I/c) 3rd Additional Sessions Judge-cum-Exclusive Special Judge SC/St (POA) Act, Darbhanga, Bihar in connection with Bahera P.S. Case No.138 of 2023, 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)

shikha/-

U		T	
---	--	---	--

