

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2110 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- BASOPATTI District- Madhubani

1. BINOD PANDEY Son of Ram Parikshan Pandey Resident of Village - Jaso, P.S.- Basopatti, District - Madhubani.
2. Mukesh Thakur Son of Ram Singhasan Thakur Resident of Village - Jaso, P.S.- Basopatti, District - Madhubani.
3. Raju Thakur @ Mangal @ Raju Kumar Thakur Son of Deo Shankar Thakur Resident of Village - Jaso, P.S.- Basopatti, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Das Son of Kishun Das Resident of Village - Jaso, P.S.- Basopatti, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Ms.Vagisha Pragya Vacaknavi, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 01-02-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl.P.P. for the State.

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 anticipatory bail vide order dated 07.05.2022, passed by learned A.D.J., 1st cum-Special Judge, SC/ST Act, Madhubani, in connection with Basopatti P.S. Case No.03 of 2022, G.R. No.03/2022, registered u/s 323, 341, 379, 324, 325, 307, 504, 506/34 of the IPC and sections 3(i)(r)(s),



3(2)(va) of the SC/ST Act.

As per F.I.R., one accused Binod Pandey engaged the informant for his work and after completion of work, when informant demanded his wages, the accused abused him by caste name, for which an altercation took place and in the meantime, appellant Rajan Pandey came with his food plate and thrown the same on the face of informant. It is further alleged that, thereafter in the evening, the F.I.R. named accused persons armed variously came at the house of informant and abused him by caste name and on protest, they indiscriminately assaulted the informant's side.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the alleged occurrence is not said to have taken place in public view. It is submitted that there is general and omnibus allegation against the appellants. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries. The present case is the counter-blast of Basopatti P.S.



Case No.02 of 2022, which was filed by the appellants' side and thereafter, the present case was filed. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the appellants are also involved in the present occurrence and appellants, at best can only be said to be the member of mob.

Considering the facts and circumstance of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J., 1st cum-Special Judge, SC/ST Act, Madhubani, in connection with Basopatti P.S. Case No.03 of 2022, G.R. No.03/2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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