

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2196 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BIKRAM District- Patna

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MANISH SINGH @ MANISH KUMAR SON OF RAMJEE SINGH R/O-
VILL-SHIVGARH, P.S.- BIKRAM, DIST.- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalmani Devi Wife of upendra Manghi resident of village Shivgarh,P.S-
Bikram,District-Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prem Kumar

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-01-2023 Learned counsel for the appellant is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the appellant as well as

learned counsel for the informant.

This appeal has been preferred on behalf of the

appellant under Section 14-A(2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act for setting aside

the order dated 14.06.2022 passed by the learned Special Judge,

SC/ST, Patna in A.B.P. No. 3710 of 2022 arising out of Bikram

P.S. Case No. 135 of 2022, registered for the offences

punishable under Sections 341, 323, 307, 504, 506/34 of the



Indian Penal Code & Section 3(i)(r)3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the named accused persons came to the house of the informant and started abusing her. When she asked them as to why were they abusing her on a trivial issue of quarreling of children, then Sankut Singh assaulted Vimal Manjhi with stick on his head. The accused persons also assaulted Bikky Kumar.

The learned counsel for the appellant has submitted that he is a person of clean antecedent and the FIR shows itself that the occurrence has taken place on a trivial issue of quarreling of the children. As such, the provisions of SC/ST Act does not attract *prima facie*.

On the other hand, the learned counsel for the informant has opposed the prayer for bail.

The FIR shows itself that the genesis of occurrence is quarreling of children of both the parties and it was not due to malicious feeling of caste.

In these circumstances, the provisions of SC/ST Act is not attracted *prima facie*. As such, the appeal is allowed and the impugned order dated 14.06.2022 passed by the learned Special



Judge, SC/ST Patna is set aside.

Considering the above-mentioned facts and circumstances as well as the clean antecedent of the appellant, let him in the event of arrest or surrender within four weeks from today, the appellant above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Patna in connection with Bikram P.S. Case No. 135 of 2022.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

kundan/-Nirmal

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