

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2259 of 2022

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

-
1. RAKESH THAKUR @ RAKESH KUMAR THAKUR SON OF LAXMAN THAKUR RESIDENT OF VILLAGE- JASO, P.S.- BASOPATTI, DISTRICT- MADHUBANI
 2. RISHIKESH THAKUR @ RISHIKESH KUMAR THAKUR SON OF RAJENDRA THAKUR RESIDENT OF VILLAGE- JASO, P.S.- BASOPATTI, DISTRICT- MADHUBANI
 3. KAILASH THAKUR @ KAILASH BIHARI THAKUR SON OF LATE MATHURA THAKUR RESIDENT OF VILLAGE- JASO, P.S.- BASOPATTI, DISTRICT- MADHUBANI
 4. RAJAN PANDEY @ RAJAN KUMAR PANDEY SON OF BINOD PANDEY RESIDENT OF VILLAGE- JASO, P.S.- BASOPATTI, DISTRICT- MADHUBANI
 5. RAJENDRA THAKUR SON OF YUGESHWAR 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 there is no specific 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-case of Basopatti P.S. Case No.02 of 2022, which was filed by the appellants' side and thereafter, the present case was filed. Appellant nos.1 to 4 have one criminal antecedent and appellant no.5 has two criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the appellant nos.3, 4 and 5 to assault one Shukmari Devi and the injury was found to be grievous in nature, which is clear from the injury report, annexed with the case diary.

Considering the facts and circumstance of the case, since there is specific overt act against the appellant nos.3, 4 and 5 to assault the victim causing grievous injury, I am not inclined to enlarge the appellant nos.3, 4 and 5 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

However, since there is general and omnibus allegation against the appellant nos.1 and 2 named above, let them 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 partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

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

