

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.967 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- BHARGAMA District- Araria

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1. MITHU MEHTA @ MITTU MEHTA @ OM PRAKASH S/o Sandeo Mehta Resident of Village- Jainagar, P.S.- Bhargama, District- Araria.
  2. Munna Sardar @ Sujeet Kumar Sardar S/o Kadamlal Sardar Resident of Village- Jainagar, P.S.- Bhargama, District- Araria.
  3. Sunil Yadav @ Sunil Kumar Yadav S/o Buchchi Yadav Resident of Village- Jainagar, P.S.- Bhargama, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pampa Devi Sanjiv Kumar Chaupal R/o Village-Jaynagar, Ward No,-01, P.S.-Bhargama, Distt-Araria

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.Anil Prasad Singh, Adv.   |
| For the Respondent/s | : | Mr.Sadanand Paswan, Adv.     |
|                      |   | Mr. Kundan Kumar Singh, Adv. |

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

ORAL ORDER

3      02-02-2023                      The learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 19.08.2020 passed by the learned 1<sup>st</sup> Additional



Sessions-cum-Spl Judge, Araria in A.B.P. No. 881 of 2020 arising out of Bhargama P.S. Case No. 63 of 2020, registered for the offences punishable under Sections 341, 323, 379, 354, 504/34 of the Indian Penal Code & Section 3(i)(r)/3(i)(s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The informant, Pampa Devi has made allegation that she has an account in respect of MGNREGA Scheme. The appellant No. 1 who is son of *mukhiya* pressurized her to put her thumb impression on finger machine. The informant suspected and denied to put her thumb impression. Thereupon, accused persons assaulted her and abused her in filthy words by calling her caste name.

The learned counsel for the appellants has submitted that there is case and counter case and the appellant No. 2, himself is a member of Scheduled Caste. As such, the occurrence cannot be said to have taken place due to malicious feeling of caste. He has further submitted that the appellants are the persons of clean antecedents.

On the other hand, learned counsel for the informant has submitted that the appellants have been given benefit of Section 41(1) of the Cr.P.C. and there is no apprehension of their



arrest.

Considering the above-mentioned facts and circumstances, the appellants are directed to surrender before the court below and make a prayer for regular bail. It shall be disposed of on the same day without being prejudiced by this order.

With these observations, the appeal is disposed of.

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)**

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