

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2594 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

MANISH KUMAR @ MANISH KUMAR PATEL @ MANISHA KUMAR
PATEL S/o Rajesh Patel Resident of village- Shihpur, P.S.- Sathi, District -
West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. AJAY KUMAR BAITHA S/o Chandradev Baitha R/o village Takiya, Ward
No. 1, P.S. Shikarpur, District - West champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 12-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act')
against the refusal of prayer of anticipatory bail *vide* order dated
18.07.2022 in A.B.P. No. 1957 of 2022, passed by learned
Additional District & Sessions Judge-I-cum-Special Judge
(SC/ST), Bettiah, West Champaran in connection with
Shikarpur P.S. Case No.249 of 2022, registered under Sections
341, 323, 307, 504, 325, 354 and 34 of the Indian Penal Code
and Sections 3(i)(r)(s) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that when he came home from school, he saw some boys were taking photos with mobile, further alleges that girls from his house came and disclosed that Prince had taken pictures and is showing here and there, accordingly he went to the house of Prince to inquire where he was abused by taking caste name on which he caught the hand of Prince, when the appellant came from behind and assaulted by an iron rod causing injury on head, further the appellant along with Neeraj assaulted Sumit, who came to save him by an iron rod.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR it would manifest that the informant has alleged that in the occurrence 28 accused were involved out of which two accused had identical name i.e. Manish Kumar Patel, it is further submitted that appellant is not alleged to have abused the informant though it is alleged that he came from behind and assaulted the informant by an iron rod causing injury and thereafter assaulted Sumit along with Neeraj causing injury on head. It is further submitted that the occurrence did not take



place in public view as the informant himself alleges that he had gone to the house of Prince where the occurrence is alleged to have taken place, it is next submitted that even presuming what has been alleged is true without admitting then the injury suffered by the injured is simple in nature which amply demonstrates that appellant never had any intention of committing a serious occurrence. It is further submitted that from perusal of the injury report it would manifest that injury suffered by the injured is simple in nature when it is alleged that 28 accused assaulted them which further casts aspersion on the case of the prosecution.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 18.07.2022 in A.B.P. No. 1957 of 2022, passed by learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Shikarpur P.S. Case No.249 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shikarpur P.S. Case No.249 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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