

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3089 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Mahendra Das Son Of Late Channu Das@Late Channu Ravidas Resident Of
Village- Bhawanipur, Police Station -JAGDISHPUR, District- Bhagalpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Manjula Devi Wife Of Naresh Das Resident Of Village- Bhawanipur, Police
Station -JAGDISHPUR, District- Bhagalpur
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Mukherjee
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
16.08.2023 but nobody appeared on behalf of the respondent
no.2.

3. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 26.05.2023 passed by learned 3rd Additional
Sessions Judge-Cum-Special Judge, SC/ST Act, Bhagalpur in
connection with Jagdishpur P.S. Case No. 195 of 2022,



registered under Sections 302 and 120(B) of the Indian Penal Code and Section 3(1), 3(2)/r(s)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. All the accused persons including the appellant under conspiracy killed the son of the informant, after inserting wooden stick in his mouth. It is further alleged that at the time of FIR named accused persons along with other 4-5 persons simultaneously surrounded and were assaulting her son by bricks and rod, which in due course died on the Hospital on 18.06.2022.

5. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellant. There is no specific overt act against the appellant. There is no eye witness in the present case only on suspicion the appellant has been made accused in this case. Appellant has got one criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

7. In the facts and circumstances of the case and the



fact that there is general and omnibus allegations levelled against the appellant and appellant is aged about 76 years, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-Cum-Special Judge, SC/ST Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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