

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3739 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- ALINAGAR District- Darbhanga

1. LALIT NARAYAN JHA @ LALIT JHA S/o HARISH CHANDRA R/o VILLAGE-NABHARPATTI, P.O- NARMA, P.S-ALINAGAR, DISTRICT-DARBHANGA.
2. NIRAJ JHA @ SONU JHA @ JITENDRA JHA S/o SHYAM JHA R/o VILLAGE-NABHARPATTI, P.O-NARMA, P.S-ALINAGAR, DISTRICT-DARBHANGA.
3. DHIRAJ JHA @ JITENDRA JHA @ SONU JHA @ DHIRAJ KUMAR JHA S/o SHYAM JHA R/o VILLAGE-NABHARPATTI, P.O-NARMA, P.S-ALINAGAR, DISTRICT-DARBHANGA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pramila Devi wife of Khaker Sada resident of village- Nabharpatti, P.S.- Alinagar, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Though the notice was validly served upon the respondent
no.2, nobody appears on behalf of the respondent no.2.

Learned counsel for the appellants undertakes to remove the
defects within four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act, 2015 against the refusal of prayer of anticipatory
bail vide order dated 09.08.2021 passed by learned 1st Additional
Sessions Judge cum Special Judge SC/ST (POA) Act, Darbhanga



in connection with Ali Nagar P.S. Case No.34 of 2021 registered under Sections 147, 148, 149, 448, 323, 354(B), 436, 504, 379, 506 of the Indian Penal Code and Section 3(1) (r)/ 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other co-accused persons abused the informant by taking her caste name and assaulted her and her family members. They also set fire in her house.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Accusation of misbehaving with a woman is concerned, that is on someone else and not on any of the appellants. The similarly situated co-accused have been granted anticipatory bail by the co-ordinate Bench of this Court in



Criminal Appeal (SJ) No. 3856 of 2021 vide order dated 08.10.2021. Appellant nos. 2 & 3 have no criminal antecedent whereas petitioner no.1 has one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, since the similarly situated co-accused have been granted anticipatory bail, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Darbhanga in connection with Ali Nagar P.S Case No. 34 of 2021, 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 allowed.

Anjani Kumar Sharan, J)

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