

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3248 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

-
-
1. MANOJ KUMAR SON OF RAJENDRA PRASAD RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR
 2. RAVI KUMAR SON OF CHANDRIKA PRASAD RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR
 3. VIKASH KUMAR SON OF CHANDRIKA PRASAD RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR
 4. CHANDRIKA PRASAD SON OF LATE JAGDEV PRASAD RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR
 5. RUPLAL PRASAD SON OF LATE JAGDEV PRASAD RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR
 6. RAJENDRA PRASAD SON OF LATE JAGDEV PRASAD RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. NAGA PASWAN SON OF LATE RAGHO PASWAN RESIDENT OF VILLAGE- WARD NO. 10, GAMHARIYA, PS- LAKHAURA (MUFFASIL), DISTT- EAST CHAMPARAN, MOTIHARI, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akshay Ashish
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Baidya Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-12-2023 Heard the parties.

2. 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 03.07.2023 passed by learned Special Judge SC/ST (POA) Act, East Champaran, Motihari in connection with Muffasil (Lakhaura) P.S. Case No.408 of 2023, registered under Sections 147, 342, 323, 354, 379, 307, 324, 427, 504 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons began to demolish the wall and portion of the informant's house and on protest by the informant, they abused him by taking his caste name. The allegation against the appellant nos.1 and 2 is that they tried to outrage the modesty of informant's sister-in-law.

4. It is submitted by learned counsel for the appellants that the appellants 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. There is no specific overt act against the appellants. There is an admitted land dispute between the parties and this fact is also supported by the learned counsel for the respondent no.2. He further submits that all the occurrence took place at the



house of the informant and not in a public place, therefore, no SC/ST case is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

6. In the facts and circumstances of the case, let 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 Special Judge SC/ST (POA) Act, East Champaran, Motihari in connection with Muffasil (Lakhaura) P.S. Case No.408 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

shikha/-

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

