

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3353 of 2023**

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Madhubani

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1. PRABHAT DUTTA @ MUNNA DUTTA SON OF BHAY JEE DUTTA
RESIDENT OF VILLAGE JITWARPUR PS RAHIKA DISTRICT
MADHUBANI
 2. AMIT KR. DUTA @ PULISHWA SON OF BHAY JEE DUTTA
RESIDENT OF VILLAGE JITWARPUR PS RAHIKA DISTRICT
MADHUBANI
 3. BUM BUM JHA SON OF BISHWAMBHAR JHA RESIDENT OF
VILLAGE JITWARPUR PS RAHIKA DISTRICT MADHUBANI
 4. SIKKI JHA SON OF BISHWAMBHAR JHA RESIDENT OF VILLAGE
JITWARPUR PS RAHIKA DISTRICT MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. VIJAY KUMAR CHAUDHARY SON OF BHOGENDRA CHAUDHARY
RESIDENT OF JITWARPUR, PS- RAHIKA, DIST- MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 06-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 04.10.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

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 18.05.2023 passed by learned Additional Sessions Judge 1st cum Special Judge, Madhubani in connection with Madhubani SC/ST P.S. Case No. 15 of 2023 registered under Sections 448, 323, 384, 354(B), 379, 427, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(wi), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, after some altercation, all the accused persons assaulted the informant with lathi, belt etc. due to which he sustained injuries. Appellant no.1 took Rs. 10,000/- from his pocket, whereas appellant no.2 took Rs. 15,000/- from *Galla* forcibly. Hearing the alarm, when his family members came there to save him, all the accused persons abused them by taking their caste name and assaulted them.

5. 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 and abuse levelled against the appellants is not specific rather general and omnibus



in nature. There is inordinate delay of four days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have criminal antecedents as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail and submitted that the allegation levelled against the appellants is serious as they abused the informant's side by taking their caste name and the alleged occurrence took place in public view.

7. In the facts and circumstances of the case, the allegation levelled against the appellants is serious as they abused the informant's side by taking their caste name and the alleged occurrence took place in public view, I am not inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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