

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3335 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- LAUKAHA District- Madhubani

1. Jyotish Kumar Son Of Bambam Mukhiya @ Bam Bahadur Mukhiya R/O Village- Pahari Tola, P.S.- Laukaha, Distt.- Madhubani.
2. Gunjan Kumar Singh @ Gunjan Singh Son Of Late Raja Ram Mahto R/O Village- Pahari Tola, P.S.- Laukaha, Distt.- Madhubani.
3. Bhogendra Kumar @ Bhogendra Mukhiya Son Of Dev Narayan Mukhiya R/O Village- Pahari Tola, P.S.- Laukaha, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Yogi Mahto Son Of Late Rama Nand Mahto R/O Village- Pahari Tola, P.S.- Laukaha, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellants and learned
Special P.P. for the State.

Despite information given by learned Special P.P. for the State regarding hearing of the case, none appears on behalf of the informant today.

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 06.08.2022, passed by learned Additional Sessions Judge-1st-



cum-Special Judge, SC/ST Act, Madhubani in connection with Laukaha P.S. Case No.133 of 2022, registered under Sections 341, 323, 324, 354, 504 and 34 of the Indian Penal Code as well as Sections 3 (i) (r)/3 (i) (s) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants no.1 and 3 have got no criminal antecedent whereas appellant no.2 has got one criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that appellants no.1 and 3 also belong to SC/ST community, therefore, no case is made out against them under the provisions of SC/ST Act. It is submitted that no specific overt act is alleged against appellant no.2. It is also submitted that the injuries sustained by the injured persons are simple in nature (Annexure-5 series). It is submitted that there is case and counter case between the parties.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees



twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Madhubani in connection with Laukaha P.S. Case No.133 of 2022, subject to the conditions 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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