

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4142 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- UJIYARPUR District- Samastipur

1. RAUSHAN SAH Son of Manoj Sah VILLAGE BAIKUNTHPUR BARAHANDA WARD NO. 11, P.S. UJIYARPUR, DISTT. - SAMASTIPUR
2. Mira Devi W/o Manoj Sah VILLAGE BAIKUNTHPUR BARAHANDA WARD NO. 11, P.S. UJIYARPUR, DISTT. - SAMASTIPUR
3. Rani Kumari D/o Manoj Sah VILLAGE BAIKUNTHPUR BARAHANDA WARD NO. 11, P.S. UJIYARPUR, DISTT. - SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishwanath Mahto S/o Late Rameshwar Mahto R/o vill - Baikunthpur Barahanda, ward no. 11, P.S. - Ujjiyarpur, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gaurav Kumar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-11-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. Though vakalatnama is filed on behalf of the respondent no.2 but nobody appears on his behalf today.

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 for anticipatory bail vide order dated 13.07.2023, passed by learned Special Judge, SC/ST (POA) Act,



Samastipur, in connection with Ujiyarpur P.S. Case No.46 of 2023, registered u/s 147, 149, 341, 323, 324, 504 of the IPC and sections 3(i)(r)(s)/ 3(2)(va) of the SC/ST Act.

4. As per the prosecution case, the F.I.R. named accused persons including the appellants armed variously stopped the informant and co-accused Manoj Sah started to abuse. Thereafter, all accused persons assaulted him indiscriminately.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to abuse the informant by taking caste name. The specific allegation to abuse the informant by taking caste name is against the co-accused Manoj Sah. The injury of the informant has been found simple in nature, which is clear from the injury report enclosed as Annexure-3. Appellant no.1 has two criminal antecedent and appellant nos.2 and 3 have no criminal antecedent.

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

7. Considering the facts and circumstances of the case, since



there is no specific allegation against the appellants to abuse by taking caste name, let the appellants named above, 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 bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Samastipur, in connection with Ujiyarpur P.S. Case No.46 of 2023, 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)

pallavi/-

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

