

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3710 of 2022

Arising Out of PS. Case No.-363 Year-2022 Thana- OBRA District- Aurangabad

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1. MANORMA DEVI W/O BASANT MEHTA @ BASANT KUMAR R/O VILLAGE- MANORA, P.S.- OBRA, DISTRICT- AURANGABAD
 2. BASANT MEHTA @ BASANT KUMAR SON OF JAIKUMAR MAHTO R/O VILLAGE- MANORA, P.S.- OBRA, DISTRICT- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. URMILA DEVI WIFE OF PINTU CHAUDHARY R/O VILLAGE- JANAKPUR POKHARA, P.S.- NABINAGAR, DISTRICT- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mrs. Leelawanti Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-03-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 11.10.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Obra P.S. Case No.363 of 2022, registered under Sections



341, 323, 379, 307, 504, 506, 34 of the Indian Penal Code and Section 3(1) (s) (r)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith other co-accused persons stopped the informant and abused her. On protest, all the accused persons assaulted the informant due to which she sustained injuries. Appellant no.2 assaulted with rod in the stomach of the informant.

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 a case and counter-case between the parties and both sides have sustained injuries. The injury report has been enclosed in the memo of appeal as Annexure-3 and 4. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail. It is



submitted by learned counsel for the respondent no.2 that there is specific overt act against the appellant no.2 to assault the informant and nature of injury was kept reserved.

Considering the arguments of the parties and from the perusal of record including the case diary, 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 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Obra P.S. Case No.363 of 2022, 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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