

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4353 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- MURLIGANJ District- Madhepura

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MANISH KUMAR S/O LATE MOHAN CHAUDHARY R/O VILLAGE-
MURLIGANJ JHIL CHOWK, P.S- MURLIGANJ, DISTT.- MADHEPURA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SANTOSH RISIDEO S/O JHINGER RISIDEO R/O VILLAGE-
KHUSRUPATTI, WARD NO. 01, P.S- MURLIGANJ, DISTT.-
MADHEPURA.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Satya Veer, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
30.08.2023, passed by learned 1st Additional Sessions Judge-
cum-Special Judge, Madhepura, in connection with Murliganj
P.S. Case No.206 of 2023, registered u/s 341, 323, 354B, 379,
504, 506, 34 of the IPC and sections 3(i)(r)(s)(w) of the SC and
ST Act.

3. As per the prosecution case, the wife of informant used to



work as labourer at the house of appellant and the appellant used to try to do something wrong with her, whereafter, she declined to work at the house of the appellant. Thereafter, the appellant abused the informant as to why he not sent his wife for work and on protest, he assaulted the wife of informant.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has 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 appellant as there is no specific allegation against him to have abused the informant by taking caste name. It is further submitted that the alleged occurrence took place on 24.05.2023 but the F.I.R. has been lodged on 03.06.2023 i.e. after a delay of eight days and no plausible explanation regarding the delay has been given, which itself creates doubt about the prosecution case. Appellant has no criminal antecedent.

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

6. Considering the facts and circumstances of the case and the delay in lodging the F.I.R., the appellant named above, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Madhepura, in connection with Murliganj P.S. Case No.206 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)

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