

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4044 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- MOTIPUR District- Muzaffarpur

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UMA SHANKAR RAY @ UMA RAY SON OF RAJESHWAR RAY R/O
VILLAGE- PAHARCHAK, P.S.- MOTIPUR, DISTRICT- MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. KABUTARI DEVI WIFE OF LATE LAL MOHAN MANJHI R/O
VILLAGE- PAHARCHAK, P.O.- JHINGAHA, P.S.- MOTIPUR,
DISTRICT- MUZAFFARPUR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Chandra Shekhar Anand
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Despite valid service of notice, nobody has entered
appearance on behalf of the respondent no.2.

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
19.10.2022 passed by learned Additional Sessions Judge-I-cum-
Special Judge, SC/ST Act, Muzaffarpur, in connection with
Motipur P.S. Case No.94 of 2022, registered under Sections 147,
149, 341, 323, 307, 302 of the Indian Penal Code and Section 3



(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in short, is that the informant had gone to labour work on 06.03.2022, she came to know that her husband has killed one Bachcha Kishore Dubey, in this anger the villagers, about 200 members including the appellant have killed her husband by assaulting him with *lathi* and *danda*.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is no specific overt act against the appellant. He submits that the appellant is not named in the FIR, he has been made accused in the present case only on the basis of confessional statement of apprehended co-accused. It is further submitted that, at best, the appellant is only a member of mob. He further submits that there is a land dispute between the parties. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case, let the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Motipur P.S. Case No.94 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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