

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4274 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- PATAHI District- East Champaran

1. SANJAY JHA @ SANJAY DAYANAND JHA @ MITHU JHA Son of Late Dayanand Jha Resident of Village - Saraiya Gopal (Mahmadi), Police Station - Patahi, District - East Champaran.
2. Santosh Mishra @ Santosh Kumar Mishra @ Santosh Kumar Mohan Lal Mishra Son of Late Mahanth Lal Mishra @ Late Mahanvlal Mishr Resident of Village - Saraiya Gopal (Mahmadi), Police Station - Patahi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Baitha Son of Vijay Baitha R/o Village - Nonfarwa, P.S. - Patahi, District - East Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 04.01.2023 but nobody appeared 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 29.09.2022 passed by learned Special Judge, SC/ST, East Champaran, Motihari in connection with Patahi P.S. Case No.204/2021, registered under Sections 147, 341, 323, 354(B), 504 and 506 of the Indian Penal Code and Section 3 (i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is delay of 9 days in filing of the present case and there is no any explanation of it which creates serious doubt about the prosecution case. There is no specific overt act against any of these appellants to assault the informant. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties



of the like amount each to the satisfaction of learned Special Judge, SC/ST, East Champaran, Motihari in connection with Patahi P.S. Case No.204/2021, 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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