

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4309 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- GHOGHARDIHA District- Madhubani

1. Manoj Kumar Sah @ Manoj Sah Son Of Munga Lal Sah R/V- Bagraha, P.S- Ghoghardiha, Dist- Madhubani
2. Sanjeev Kumar Sah @ Sanjeev Sah Son Of Manoj Kr. Sah @ Manoj Sah R/V- Bagraha, P.S- Ghoghardiha, Dist- Madhubani
3. Durga Devi Wife Of Manoj Kr. Sah @ Manoj Sah R/V- Bagraha, P.S- Ghoghardiha, Dist- Madhubani
4. Lalita Kumari Daughter Of Manoj Kr. Sah @ Manoj Sah R/V- Bagraha, P.S- Ghoghardiha, Dist- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prafull Chandra Thakur
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2023

Re: I.A. No. 02 of 2023

This application has been filed for condonation of delay of 60 days in preferring the appeal.

After having considered the averments made in the application, I am satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed statutory period. Accordingly, and in the interest of justice the delay in preferring this appeal is hereby condoned.

I.A. No. 02 of 2023 stands allowed.

Cr. Appeal (SJ) No. 4309 of 2022

Heard learned counsel for the appellant, 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 25.06.2022 passed by learned Additional Session Judge-1st cum Spl. Judge, Madhubani, in connection with Ghoghardiha P.S. Case No. 24 of 2022 registered under Sections 341, 323, 324, 307, 504, 379, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he along with other co-accused assaulted and abused the informant by taking his caste name.

Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that there is admitted land dispute between the parties. Learned counsel for the appellant further relied upon the judgment of Hon'ble Apex Court passed in the case of *Hitesh Verma vs. State of Uttrakhand and another* reported in



(2020) 10 SCC 710. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the judgment of Hon'ble Apex Court passed in the case of **Hitesh Verma** (supra), 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 enlarged 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 learned Additional Session Judge-1st cum Spl. Judge, Madhubani, in connection with Ghoghardiha P.S. Case No. 24 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)

anand/-

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