

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4823 of 2021

Arising Out of PS. Case No.-586 Year-2020 Thana- MASAUDHI District- Patna

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MUKESH KUMAR Son of Kauslendra Sharma Resident of Village -
Koriyawa, P.s.- Masaurhi, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gudiya Devi Wife of Anil Manjhi R/o vill- Bhakhra chack P.O.- Hasadih,
P.S.- Masaurhi, Dist- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhukar Anand
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Though Vakalatnama has been filed by the learned
counsel for the respondent no.2 but nobody appears on behalf of
respondent no.2.

Learned counsel for the appellant undertakes to remove
the defects within four weeks.

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
17.08.2021 passed by learned Additional Sessions Judge – III –



Cum- Special Judge (SC&ST), Patna, in connection with Special Case No.401 of 2020, arising out of Masaurhi P.S. Case No.586 of 2020, registered under Sections 341, 323, 354, 504 of the Indian Penal Code and Section 3(1) (v)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he went to the house of the informant and abused her. On protest, the appellant misbehaved with the informant.

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 submits that there is a compromise between the parties, which is also apparent from annexure-2 of the memo of appeal. 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 – III – Cum- Special Judge
(SC&ST), Patna, in connection with Special Case No.401 of
2020, arising out of Masaurhi P.S. Case No.586 of 2020,
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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