

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.190 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- MANJHI District- Saran

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1. SABHAPATI GIRI Son of Late Bachan Giri R/o Village - Mahammadpur Ke Mathiya, P.S.- Manjhi, District - Saran at Chapra.
 2. Sunil @ Sunil Bharti Son of Sakaldeep Giri R/o Village - Mahammadpur Ke Mathiya, P.S.- Manjhi, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukhi Sah Son of Kusum Sah R/o Village - Mahammadpur Ke Mathiya, P.S.- Manjhi, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tej Pratap Singh, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP. Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-07-2023 Heard the parties.

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 03.11.2022 passed by learned court of Additional Sessions Judge, 3rd Saran in connection with Manjhi P.S. Case No. 350 of 2022 registered under Sections 341, 323 of the Indian Penal Code and Section 3(i) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons



came to the informant and started abusing him. They also assaulted the informant with legs and fists. Accused Dukhi Giri took Rs. 5000/- from pocket of the informant.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The present case is counter version of Manjhi P.S. Case No. 349 of 2022, which was lodged by the son of appellant no.1. There is no specific allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, as there is no specific allegation of slating the informant in the specific name of his caste, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge, 3rd Saran in connection with Manjhi P.S. Case No. 350 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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