

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.387 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- DHANARUA District- Patna

Rajesh Kumar @ Mandal Kumar Son Of Late Ramashish Prasad Resident Of
Village- Daulta, Ps- Dhanarua, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakuntla Devi Wife Of Mahendra Choudhary Resident Of Village-
Sevdaha, Ps- Dhanarua, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pintu Kumar Patel, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor Mr. Niranjana Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 03-10-2024 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 18.10.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in ABP No. 8866 of 2023 in connection with Dhanaura P.S. Case No. 303 of 2023, instituted under Sections 341, 323, 354, 354(B), 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Allegation against appellant is that he along with other accused persons abused informant by caste name,



assaulted him with iron rod and lathi and snatched away *mangalsutra* from the neck of the daughter of informant and earrings from the daughter-in-law of informant.

4. Learned counsel for the appellant submits that from perusal of F.I.R., it is apparent that there is admitted land dispute between the parties due to which a simple occurrence of *maar-peet* took place. Allegation of assault and abuse against appellant is general and omnibus. Injury allegedly caused by appellant is simple in nature. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well the learned counsel for the respondent No. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with Dhanaura P.S. Case No. 303 of 2023.



7. Accordingly, this criminal appeal is allowed and
impugned order dated 18.10.2023 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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