

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.293 of 2024

Arising Out of PS. Case No.-37 Year-2021 Thana- SC/ST District- Lakhisarai

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1. Sugga Jha Son Of Rajababu Jha @ Mritunjaya Jha Resident Of Village - Jakarpura, P.S. - Surajgarha, District - Lakhisarai
 2. Rajababu Jha @ Mritunjaya Jha @ Raja Kumar @ Mritunjay Kumar Son Of Late Dasrath Jha Resident Of Village - Jakarpura, P.S. - Surajgarha, District - Lakhisarai
 3. Durgesh Jha Son Of Late Ramjeev Jha Resident Of Village - Jakarpura, P.S. - Surajgarha, District - Lakhisarai
 4. Sanjit Verma Son Of Late Krishnadev Jha Resident Of Village - Jakarpura, P.S. - Surajgarha, District - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Juli Devi Wife Of Umesh Das Resident Of Village - Jakarpura, P.S. - Surajgarha, District - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binay Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P. Mr. Pankaj Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2024 Heard learned counsel for the appellants, learned

Spl. Public Prosecutor appearing on behalf of the State and

learned counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated
04.10.2023 passed by learned Additional District and Sessions
Judge-I-cum-Special Judge SC/ST, Lakhisarai in connection
with A.B.P. No. 976 of 2023 arising out of Lakhisarai SC/ST
P.S. Case No. 37 of 2021, registered under Sections 341, 323,



354-B, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Allegation against these appellants is that they along with other named accused persons abused informant with caste name and assaulted her by means of fists, slaps and legs and also tried to outrage the modesty of her.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. Further submission is that due to petty dispute, a simple altercation took place between the parties. The injuries allegedly caused by these appellants are simple in nature. The First Information Report has been lodged after an inordinate delay of 4 days without any plausible explanation. The recital of F.I.R. does not disclose that abuse was uttered in presence of any member of public, as such, no offence under SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application and submit that appellants are named in the First Information Report with allegation of assault and abuse.



6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST, Lakhisarai in connection with A.B.P. No. 976 of 2023 arising out of Lakhisarai SC/ST P.S. Case No. 37 of 2021.

7. Accordingly, the impugned order dated 04.10.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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