

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.397 of 2024

Arising Out of PS. Case No.-268 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Kumesh Kumar @ Kumesh Mahto Son Of Binda Mahto @ Binod Mahto
Resident Of Village- Harkaina, Ps- Motihari Muffasil, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Kumar Son Of Meghuram Resident Of Village- Harkaina, Ps-
Motihari Muffasil, Dist- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhishek Kumar
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 10.05.2024, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 01.07.2023 passed by learned Special Judge,
SC/ST (POA) Act, East Champaran, Motihari, in connection
with Muffasil P.S. Case No. 268 of 2022 registered under



Sections 341, 323, 354, 379, 427, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the F.I.R. named accused persons including the appellant assaulted the informant and others and co-accused Udesh Mahto caught hold of the hair of the wife of the informant and pushed her on the ground and assaulted her by legs and all the accused persons broke the glass of Safari vehicle and took away the motorcycle of the informant.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellant. He submits that similar situated co-accused have been granted anticipatory bail by this Court vide order dated 18.01.2023 passed in Cr. Appeal (SJ) No. 3164 of 2022. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes the prayer for anticipatory bail.



7. Considering the facts and circumstances of the case and the fact that similar situated co-accused have been granted anticipatory bail by this Court, 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 Special Judge, SC/ST (POA) Act, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 268 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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