

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.773 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

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Jaymangal Singh, (Male), aged about 51 years, Son of Sonelal Singh,
Resident of Village- Karanpur, Tole- Kakrachak, P.S.- Bochahan, District-
Muzaffarpur.

... .. Appellant

Versus

1. The State of Bihar.
2. Mira Devi, (Female), Wife of Bajrangi Paswan, Resident of Village-
Karanpur, Tole- Kakrachak, P.S.- Bochahan, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Appellant : Mr. Santosh Kumar, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. 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 for prayer of bail of the
appellant vide order dated 17.01.2024, passed by the learned
Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection



with Bochahan P.S. Case No. 311 of 2023 registered for the offences punishable under Sections 341, 342, 323, 324, 307, 379, 504, 506/34 of I.P.C. and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. The prosecution case, in brief, on 14.06.2023, the informant's son got married, during the wedding, when the informant alongwith other women went to worship at 'Mai Barham Temple', she was stopped by some women who said that they will worship first. After which, argument happened, they called eight named including the petitioner and 40-50 unknown persons who physically assaulted her. They did not let the informant worship and abused with caste name. The men threw bricks, causing injuries to her and her son (Raushan Kumar). When Ravi Kumar came, the co-accused Kailash Singh and Awadhesh Singh assaulted Ravi Kumar with Bamboo causing head and nose injuries. The co-accused Meena Kumari took golden chain and ring of Raushan Kumar. The villagers took the injured to Bochcha P.M.C. and S.K.M.C.H., Muzaffarpur, for their treatment.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further



submitted that there is general and omnibus allegation against the appellant. The appellant is a member of unlawful assembly. There is case and counter case between the parties. There is no allegation of assault on the informant, her son and Ravi Kumar. The specific allegation of assault on the aforesaid injured is against the co-accused Kailash Singh and Awadhesh Singh. The appellant is in custody since 09.01.2024. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 17.01.2024, passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Bochahan P.S. Case No. 311 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST,



(POA) Act, Muzaffarpur in connection with Bochahan P.S. Case
No. 311 of 2023.

(Chandra Prakash Singh, J)

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