

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.888 of 2024

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

Abhadesh Kumar @ Abhadesh Singh S/o Mahindra Singh R/o vill - Karanpur,
Tole - Kakrachak, P.S. - Bochahan, Distt. - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mira Devi W/o Bajrangi Paswan R/o vill - Karanpur, Tole - Kakrachak, P.S. -
Bochahan, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Adv
For the Respondent/s : Mr. Binay Krishna, Spcl. PP

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

ORAL ORDER

4 18-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 17.01.2024 passed by the learned Special Judge, SC/ST Act, Muzaffarpur in connection with Bochahan P.S. Case No. 311 of 2023 registered for the offence/s punishable u/s 341, 342, 323,



307, 379, 504 and 34 of the Indian Penal Code and Section 3(i) (r) (s) of the SC/ST Act.

3. As per the prosecution case, on 14.06.2023, the informant's son got married, during the wedding, when the informant along with other women went to worship at 'Mai Barham Temple', she was stopped by some women who said that they would worship first. Thereafter, they called eight named accused persons including the petitioner and 40-50 unknown persons who assaulted her. They prevented the informant for worship and abused with caste name. The men threw bricks, causing injuries to her and her son (Raushan Kumar). When Ravi Kumar came, the appellant and the co-accused Kailash 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. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has



been called by the appellant hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant. There is a case and counter case between the parties. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 773 of 2024. The appellant has clean antecedent as stated at para 3 of the bail petition. The appellant is in custody since 09.01.2024.

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

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 17.01.2024 passed by the learned Special, SC/ST 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, SC/ST Act, Muzaffarpur in connection with Bochahan P.S. Case No. 311 of 2023.



8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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