

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.981 of 2024

Arising Out of PS. Case No.-518 Year-2023 Thana- KHAJEKALA District- Patna

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1. Purushottam Mehta S/o Gaurishankar Mahto R/o Adarsh Colony, Chhoti Nagla, P.S.- Malsalami, District- Patna
 2. Anirudha Kumar S/o Gaurishankar Mahto R/o Adarsh Colony, Chhoti Nagla, P.S.- Malsalami, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi W/o Pradeep Paswan R/o Mangal Akhara, Nakhas, P.S.- Malsalami, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 01.02.2024 in A.B.P. No. 201 of 2024 passed by the learned Special Judge, SC/ST (POA) Act, Patna in connection with Khajekalan P.S. Case No.518/2023, registered under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellants submits that the



appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is also submitted that on 23.01.2023 at 7.00 P.M., while the informant was returning by an auto, when she was intercepted by three accused persons on a motorcycle and they made her deboard the auto and thereafter abused her by taking caste name and also held her hand and Purushottam started pulling her by holding her hand and the third accused tried to save her despite that both the accused Anirudh and Purushottam were using filthy language.

4. The learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is also submitted that the allegation as alleged in the F.I.R. does not inspire confidence nor the F.I.R. even remotely suggest that the occurrence was witnessed by any independent witnesses. It is also submitted that Title Suit No.292/2019 and Title Suit No.309/2019 is pending between the parties, as such, on account of dispute relating to property, the present false case has been instituted.

5. The learned counsel appearing on behalf of the respondent no.2 submits that appellants have not approached this court with clean hand. It is submitted that at para-3 it has been pleaded that appellants are persons with clean antecedent when appellant no.1 has antecedent of two cases and appellant no.2 has



antecedent of one case.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

8. However, the learned trial court before accepting the bail bonds of the appellants shall verify their criminal antecedent and in the event if it is found that appellants have antecedent of even one case, in that event, the present appeal order shall not be given effect to.

(Satyavrat Verma, J)

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