

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1067 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- SC/ST District- Madhubani

Radheshyam Singh S/O Late Judagi Singh R/O Village- Parsa Mirjapur, P.S
Parsa, Distt.- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrika Devi W/O Manoj Paswan R/O Village- Piprauna, P.S- Laukahi,
Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Ban Bihari Singh, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Shailendra Kumar Jha, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-09-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 22.01.2024 passed by learned Additional
Sessions Judge, 1st cum Special Judge, Madhubani whereby the
prayer for anticipatory bail of the appellant in connection with
Madhubani SC/ST P.S. Case No. 67 of 2023 under Sections 341,
379, 354(B), 323, 324, 308, 504, 506/34 of the Indian Penal
Code and Section 3(i)(r)(wi), 3(2) (va) of the SC/ST Act was
rejected.

3. As per prosecution case, the accusation has been



made against the appellant is of abusing in the caste name as well as assaulting the Complainant and her family members due to which they sustained injuries on their bodies.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case due to politics. There is no eye-witness to the alleged occurrence. In course of investigation, no material has come against the appellant to show his complicity in the alleged crime. There is no specific or direct allegation of assault against the appellant rather the same are general and omnibus in nature. The petitioner has one criminal antecedent. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. Similar co-accused has been granted bail by a this Court vide order dated 25.04.2024 passed in Cr. Appeal (S.J.) No. 172 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22.01.2024 passed by learned Additional Sessions Judge, 1st cum Special Judge, Madhubani is hereby set aside.

7. Let the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madhubani SC/ST P.S. Case No. 67 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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