

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1848 of 2023**

Arising Out of PS. Case No.-355 Year-2022 Thana- LADANIA District- Madhubani

MANISH KUMAR JHA @ MANISH JHA S/O LATE LALIT JHA @ LATE
LALIT KUMAR JHA R/O Village- Padma, P.S- Ladaniya, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Garib Paswan S/O Mahendra Paswan R/O Village- Patauna, P.S- Basopatti,
Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Udeshya Kumar Yadav, Adv. Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

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

ORAL ORDER

5 15-03-2024 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 against the rejection of prayer for anticipatory bail vide order dated 21.02.2023 passed by the learned 1st Addl. Sessions Judge- cum- Special Judge, Madhubani, in A.B.P. No. 2427 of 2022, in connection with Ladaniya P.S. Case No. 355 of 2022 dated 02.12.2022 registered for the offence/s punishable u/ss 341, 323, 307, 379, 506 and 504 read with section 34 of the Indian Penal Code and sections 3(i)(r) / (2) (v)(a) of the SC/ST



(POA) Act.

3. As per the prosecution case, the informant along with his friends was going to attend a marriage party and on the way they stopped for tea at Padma Chowk, where the accused persons started abusing him by calling his caste name. On being objected, they started assaulting the informant and his friends with fists and slaps. When his friend, Chandra Bhusan Singh came to rescue, they also assaulted him with bamboo causing injury on his head and eyes.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.



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 21.02.2023 passed by the learned 1st Addl. Sessions Judge- cum- Special Judge, Madhubani in A.B.P. No. 2427 of 2022, in connection with Ladaniya P.S. Case No. 355 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory 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 1st Addl. Sessions Judge- cum- Special Judge, Madhubani in A.B.P. No. 2427 of 2022, in connection with Ladaniya P.S. Case No. 355 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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