

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2306 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- SC/ST District- East Champaran

1. Abhimanu Thakur @ Abhimanyu Thakur, aged about 56 years, Male, S/o- Late Rajdeo Thakur, R/O Village- Mishrauliya, P.S.- Chiraiya, Dist- East Champaran.
2. Himanshu Kumar, aged about 26 years, Male, son of Abhimanyu Thakur, R/O Village- Mishrauliya, P.S.- Chiraiya, Dist- East Champaran.
3. Nishu Kumari, aged about 24 years, Female, D/o- Abhimanyu Thakur @ Sujeet Kumar Thakur, R/O Village- Mishrauliya, P.S.- Chiraiya, Dist- East Champaran.
4. Seema Devi, aged about 38 years, wife of Abhimanyu thakur, R/O Village- Mishrauliya, P.S.- Chiraiya, Dist- East Champaran.

... .. Appellants

Versus

1. The State of Bihar.
2. Jaikali Devi, wife of Jaglal Ram @ Jaga Ram, R/O Village- Mishrauliya, P.S.- Chiraiya, Dist- E.Champaran.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Binay Kant Mani Tripathi, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-01-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite service of notice.

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 of prayer of anticipatory bail of the appellants vide order dated 19.04.2023, passed by the



learned Special Judge, SC/ST Act I/C, East Champaran, Motihari, in A.B.P. No. 1001 of 2023, arising out of SC/ST P.S. Case No. 6 of 2023 registered for the offences punishable under Sections 147, 341, 323, 354, 504 of the I.P.C. and Sections 3(1)(r)(s) W(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the informant was watching a puja, going on in front of her house. Then, the accused persons including the appellants came there and started quarreling. In the same course, they abused her by calling her caste name, and began to assault her due to which, she became naked and her modesty was outraged, It is further alleged that they assaulted her with bricks causing head injury. Her pattidar and others, who were watching the function, also got injured.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is submitted that earlier the appellant no. 4 had filed Chiraiya P.S. Case No. 20 of 2023 for the occurrence which took place on 14.01.2023 against the informant and others. It is further submitted that the occurrence took place on 14.01.2023 whereas the F.I.R. was instituted on 28.01.2023 after a lapse of fourteen



days for which no explanation has been given by the prosecution. It is submitted that the informant was examined by the doctor and the doctor opined that the injury is simple in nature. 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 appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

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

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 19.04.2023, passed by learned Special Judge, SC/ST Act I/C, East Champaran, Motihari in A.B.P. No. 1001 of 2023 in connection with SC/ST P.S. Case No. 6 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge,



SC/ST Act I/C, East Champaran, Motihari in connection with
SC/ST P.S. Case No. 6 of 2023, subject to the condition as laid
down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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