

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2562 of 2023**

Arising Out of PS. Case No.-37 Year-2020 Thana- MIRGANJ District- Purnia

MANOJ MEHTA Son of Satya Narayan Mahto @ Satyanarayan Mehta
Resident of village - Khedlichak, ward no. 02, P.S. - Mirganj, Distt. - Purnea

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chunmun Devi Wife of Gyas Paswan R/o village - Khedlichak, ward no. 02,
P.S. - Mirganj, Distt. - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandan Kumar Kashyap, Adv.
For the Informant	:	Md. Fazle Karim, Adv.
For the Respondent/s	:	Mr.Usha Kumari I, APP

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

ORAL ORDER

5 23-02-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as 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 10.04.2023 passed by the learned Special
Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 28 of 2023
arising out of Mirganj P.S. Case No. 37 of 2020 dated
16.06.2020 registered for the offence/s punishable u/ss 341, 323,
504 and 506 read with section 34 of the Indian Penal Code and
3(i)(r) SC/ST (POA) Act.



3. As per the prosecution case, due to land dispute, the appellant and the co-accused persons are alleged to have entered the informant's house and started abusing and assaulting her with fists and legs due to that she sustained injury on her head and became unconscious.

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 impugned order, the injury is stated to be simple in nature caused by hard and blunt substance. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. No casteist remark was mentioned in the FIR. 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 one more criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant. It is further submitted that the cognizance has been taken so the bail is not maintainable.

6. In view of the aforesaid facts and circumstances of



the case as well as finding some substance in the contention of the learned counsel for the appellant, the impugned order dated 10.04.2023 passed by the learned Special Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 28 of 2023 arising out of Mirganj P.S. Case No. 37 of 2020, 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 Special Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 28 of 2023 arising out of Mirganj P.S. Case No. 37 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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