

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2410 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- MADHUBAN District- East Champaran

1. Kumari Savita @ Kumari Savita Sinha @ Savita Sinha Wife of Santosh Singh @ Santosh Kumar Singh Resident of B/51, Prabhunath Nagar, P.S.- Muffasil, Dist. Chapra, Saran
2. SANTOSH SINGH @ SANTOSH KUMAR SINGH SON OF BIDESHWAR SINGH Resident of B/51, Prabhunath Nagar, P.S.- Muffasil, Dist. Chapra, Saran
- Appellants.

Versus

1. The State of Bihar.
2. MAHESH PASWAN SON OF RAMBALAK PASWAN RESIDENT OF VILLAGE - VISHUNPUR TARA, P.S.- MADHUBAN, DISTT- EAST CHAMPARAN
- Respondents.

Appearance :

For the Appellant/s : Mr. Sanjeev Ranjan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though the Vakalatnama has been filed on behalf of respondent no.2 but none appeared on his behalf.

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 vide order dated 04.05.2024 passed by learned Special Judge SC/ST Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 148 of 2023 registered under Sections



406, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is to assault and abuse the informant.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty local politics. It is further submitted that the first information report is not only vexatious but frivolous and oppressive lodged against a government servant for discharging her duties diligently and rightfully and not succumbing to the pressure of a Pramukh who was trying to force the appellant no.1 to confer undue benefit to the informant by doing illegal act. It is further submitted that now the appellant no.1 has superannuated from the service. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

5. Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, East Champaran at Motihari in connection with Madhuban P.S. Case No.148 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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