

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2544 of 2024**

Arising Out of PS. Case No.-132 Year-2024 Thana- AMAUR District- Purnia

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MONU KUMAR @ GHOLTA SON OF SRI BHUDESH VISHWAS @  
BHOOOP DEO VISHWAS RESIDENT OF VILLAGE - DHURPAILI, P.S. -  
AMOUR, DISTRICT - PURNEA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JAGDISH HARIJAN SON OF LATE ANNU LAL HARIJAN RESIDENT  
OF VILLAGE - DHURPAILI, P.S. - AMOUR, DISTRICT - PURNEA

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Amit Kumar Anand  
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      20-06-2024                      1. Heard learned counsel for the appellant and learned  
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for anticipatory bail vide  
order dated 09.05.2024 in A.B.P. No. 41 of 2024 passed by the  
learned Special Judge S.C./S.T. (POA) Act, Purnea in  
connection with Amour P.S. Case No. 132 of 2024 registered for  
the offences punishable under Sections 341, 323, 353, 379, 504,  
506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)  
(s) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant who is a *Chowkidar*. It is next submitted that informant alleges that on 24.03.2024, on the eve of Holi, while he was discharging his duty assigned by the police station, when the accused persons including the appellant came and started abusing him as detailed in the FIR and even assaulted him and tore his uniform, further on raising alarm, the son of the informant came to save him when he was also assaulted and Bhudeo Bishwas snatched golden chain from the neck of the son of the informant. It is also alleged that Bhudeo Bishwas is a person with criminal antecedent and was in judicial custody twice as he was involved in a case relating to *dacoity*.

4. The learned counsel for the appellant submits that from perusal of the allegation as alleged in the FIR, it would manifest that *prima facie*, no offence under the SC/ST Act is made out. It is further submitted that the informant was on an inimical term with the father of the appellant, as such, the thrust of the allegation is against the father of the appellant and the appellant has been implicated only with a view to coerce his father into submission. It is further submitted that the FIR does



not even remotely disclose that the occurrence was witnessed by any independent witnesses. It is further submitted that on the eve of Holi, the informant had come to the house of the appellant and was asking them to pay donation of Rs. 1,000/- to which the father of the appellant did not agree, as such, there was an altercation between them and the appellant was not even present at the house.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 09.05.2024 in A.B.P. No. 41 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Purnea in connection with Amour P.S. Case No. 132 of 2024 registered for the offences punishable under Sections 341, 323, 353, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act, **is hereby set aside** and 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 Amour P.S. Case No. 132 of 2024  
subject to the conditions as laid down under Section 438 (2) of  
the Cr.P.C.

**7. Accordingly the appeal stands allowed.**

**(Satyavrat Verma, J)**

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