

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2990 of 2023

Arising Out of PS. Case No.-886 Year-2021 Thana- DANAPUR District- Patna

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1. HIRAN DEVI @ KIRAN DEVI Wife of Jayprakash Thakur Resident of village - Chitnawa, Chotipul, P.S.- Maner, District - Patna
 2. Tutu Kumar @ Tutu @ Raunak Kumar Son of Jayprakash Thakur Resident of village - Chitnawa, Chotipul, P.S.- Maner, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantu Paswan Son of Late Mahanand Paswan Resident of village - Chitnawa, Chotipul, P.S.- Maner, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar Sinha, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 11.10.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 03.06.2023 passed by learned Special Judge



(SC/ST Act), Patna in connection with Maner P.S. Case No. 886 of 2021 registered under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, after some altercation, all the accused persons including the appellants are said to have abused and assaulted the informant's side.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. Both the parties are neighbor. The allegation levelled against the appellants is not specific rather general and omnibus in nature. All the sections of the IPC are bailable. It is further submitted that there is compromise between the parties and the compromise petition is annexed as Annexure No.2 to this memo of appeal. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is compromise between the parties, 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 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), Patna in connection with Maner P.S. Case No. 886 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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