

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3114 of 2023**

Arising Out of PS. Case No.-8 Year-2023 Thana- SC/ST District- Madhepura

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1. MANOJ BHAGAT @ MANOJ KUMAR S/O JANARDAN BHAGAT R/O Village- Simraha, P.S and Distt.- Madhepura.
 2. Bechan Mahto S/O Sukar Mahto R/O Village- Simraha, P.S and Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Safo Devi W/O Moti Sada R/O Village- Simraha, P.S and Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 23-02-2024 Heard learned counsel for the appellants 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 against the refusal of prayer for anticipatory bail vide order dated 10.05.2023 passed by the Addl. District & Sessions Judge, 1st cum-Special Judge, Madhepura in connection with Madhepura SC/ST P.S. Case No. 08 of 2023, registered for the alleged offences under Sections 341, 323, 447, 504, 506/34 of the Indian Penal Code and Section 3(1)(s) (w)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the informant was going



from her house to main road and saw that the co-accused Dheeraj Kumar was bordering the main road of Mahadalit Tola. On protest, the co-accused persons armed with lathi, rod and Dabiya, started abusing the informant and assaulted her and outraged her modesty. When the informant's son and neighbours came to rescue, the appellants abused and ordered to assault on which, the co-accused Dheeraj Kumar fired shot but it was missed. Nearby people save her life and took her to hospital.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellants. The appellants have got no criminal antecedent mentioned in para 3 of the present appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 10.05.2023 passed by the Addl. District & Sessions Judge, 1st cum-Special Judge, Madhepura in connection with Madhepura SC/ST P.S. Case No. 08



of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ 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 Addl. District & Sessions Judge, 1st cum-Special Judge, Madhepura in connection with Madhepura SC/ST P.S. Case No. 08 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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