

Arising Out of PS. Case No.-61 Year-2024 Thana- ANDHRAMATH District- Madhubani

- Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Alok Ranjan
For the Respondent/s : Mr. Binay Krishna

3 23-09-2024 1. Heard learned counsel for the appellants and the
learned Special P.P. Mr. Binay Krishna.

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 06.06.2024 in A.B.P. No. 960/2024 passed by the learned Additional District Judge-I-cum-Special Judge, SC/ST Act, Madhubani in connection with Andhramath P.S. Case No.61/2024 (G.R. No.43/2024), registered under Sections 341, 323, 324, 325, 307, 506, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 24.03.2024 at about 8.00 P.M., the named accused persons including the appellants came variously armed to the house of Devendra Chaupal, brother of the informant and started breaking the gate with lathi and katta and when the brother of the informant opened the gate when the accused persons including the appellants assaulted him with lathi and iron rod causing injury, thereafter, Sanjay assaulted by a sharp edged weapon causing injury on the ear and when the informant went to save his brother, he was assaulted with fist and thereafter his nephew was also assaulted with lathi, it is also alleged that Rajo Devi was also assaulted by the accused persons and thereafter his brother was taken to D.M.C.H. for



treatment.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 26.03.2024 and the F.I.R. came to be instituted on 29.03.2024 i.e. after a delay of three days without any plausible explanation. It is next submitted that had the injured been assaulted in the manner as alleged then definitely the hospital would have informed the police but then from perusal of the F.I.R., it would manifest that the same was instituted based on a written application of the informant, which casts an aspersion on the case of the prosecution. It is also submitted that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witness, as such, prima facie, no offence under the SC/ST Act is made out.

5. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for anticipatory bail of the appellants.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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