

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3450 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- MASAUDHI District- Patna

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1. Alok Kumar, (M), aged about 21 years, Son of Krishna Nand Saw, Resident of Village- Kashmirganj, Ward No 25, P.S.- Masaurhi, Dist- Patna.
 2. Uma Shankar @ Shiva, (M), aged about 19 years, Son of Krishna Nand Saw, Resident of Village- Kashmirganj, Ward No 25, P.S.- Masaurhi, Dist- Patna.
 3. Monu Kumar, (M), aged about 20 years, Son of Sadhu Saw, Resident of Village- Kashmirganj, Ward No 25, P.S.- Masaurhi, Dist- Patna.
 4. Abhishek Kumar, (M), aged about 25 years, Son of Raj Kishore, Resident of Village- Kashmirganj, Ward No 25, P.S.- Masaurhi, Dist- Patna.

... .. Appellants

Versus

1. The State of Bihar.
2. Arti Kumari, W/O Sudhir Kumar Choudhary, Resident of Village- Kashmirganj, P.S.- Masaurhi, District- Patna.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Mithlesh Kumar Gupta, Advocate
For the Respondent No.2:	:	None.
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 23-02-2024 Learned counsel for the appellants is directed to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the appellants and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite notice is validly served upon the respondent no. 2.

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 of the appellants vide order dated 10.07.2023, passed by the learned Special Judge, SC/ST Act, Patna, in A.B.P. No. 4025 of 2023 in connection with Special SC/ST S.N. Case No. 67 of 2023, arising out of Masaurhi P.S. Case No. 132 of 2023 registered for the offences punishable under Sections 341, 323, 354B, 506/34 of the I.P.C. and Sections 3(1)(r)(s)(w) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that while the informant and her younger sister was going to the library, the appellants misbehaved with them. When she objected, the appellant no. 1 abused them with their caste name after catching the hands of the informant's sister. They abused and threatened them. The appellant nos. 2 and 4 abused them with their caste name. When the informant made complain to the Director of the said library, they also assaulted and abused him.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is



further submitted that the informant and the appellants are the next door neighbours and are students and due to election and village rivalry this false case has been lodged against the appellants by the informant. There is general and omnibus allegation against the appellants. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellants. It is further submitted that no case under Section 354B of the I.P.C. is made out against the appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 10.07.2023, passed by the learned Special Judge, SC/ST Act, Patna, in A.B.P. No. 4025 of 2023 in connection with Special SC/ST S.N. Case No. 67 of 2023, arising out of Masaurhi P.S. Case No. 132 of 2023, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, 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



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 the learned Special Judge,
SC/ST Act, Patna, in connection with Special SC/ST S.N. Case
No. 67 of 2023, arising out of Masaurhi P.S. Case No. 132 of
2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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