

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3635 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- SC/ST District- Saran

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1. Prashant Kumar Sahi @ Prashant Kumar @ Aaditya Ranjan Sahi, Male, aged about 35 years, Son of Rudra Vinayak Sahi @ Rudra Vinayak, R/o vill - Hakma, P.S. - Garkha, Distt. - Saran.
 2. Madhrendra Kumar Sahi @ Madhurendra @ Madhurendra Kumar Sahi @ Mudherendra Kumar Sahi, Male, aged about 30 years, Son of Rudra Vinayak Sahi @ Rudra Vinayak, R/o vill - Hakma, P.S. - Garkha, Distt. - Saran.

... .. Appellants

Versus

1. The State of Bihar.
2. Anil Kumar Manjhi, Male, aged 27 years, Son of Yogendra Manjhi, R/o vill - Hakma, P.S. - Garkha, Distt. - Saran.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent No.2:	:	M/S. Vijay Kumar and Rajani Kumari, Advocates
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 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, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

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 12.07.2023, passed by the learned Additional Sessions Judge 3rd-cum-SC/ST Act, Saran at Chapra, in A.B.P. No. 1876 of 2023, in connection with SC/ST P.S. Case No. 06 of 2023, registered for the offences punishable under Sections 341, 323, 324, 504/34 of the I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act.

4. The prosecution case, in brief, is that the informant is a member of Scheduled Caste Community. On 17.05.2023 at 9.30 A.M., he was grazing his five she-goats. One of them was about to go to the land of Prashant Kumar Sahi (appellant no. 1) who seeing the informant began to abuse him with his caste name in filthy language. He thrashed his she-goat, due to which, she-goat died. The co-accused Samarendra Kumar Singh @ Rakesh Singh, came and attacked on the informant with knife indiscriminately, due to which, he got injured and he fell down. Madhrendra Kumar Sahi (appellant no. 2) came with sickle and began to attack on the informant abusing him with his caste name. On the alarm raised, Shatrohan Kumar came and began to abuse him with his caste name. He took out his four remaining she- goats with 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 due to grazing of she-goat of the informant in the field of the appellants, the present occurrence has taken place. It is submitted that during investigation, the witnesses in the statement recorded under Section 161 of the Cr.P.C., have stated that the informant has put the pot (nad) on the land of the appellants and the appellants had stated for removing the same but again the informant again started keeping his she-goats and buffalos on the same land. The informant has also dumped his garbage on that land. It is further submitted that the injury received by the injured was found to be simple in nature. There is no specific 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. The appellants have one criminal antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have 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 12.07.2023, passed by the



learned Additional Sessions Judge 3rd-cum-SC/ST Act, Saran at Chapra, in A.B.P. No. 1876 of 2023, in connection with SC/ST P.S. Case No. 06 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 Additional Sessions Judge 3rd-cum-SC/ST Act, Saran at Chapra, in connection with SC/ST P.S. Case No. 06 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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