

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3766 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- CHAUSA District- Madhepura

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1. UMESH KUMAR MANDAL @ UMESH MANDAL Son of Late Damodar Mandal Resident of village - Bhawanpura Tola, ward no. 9, P.S. - Chausa, Distt. - Madhepura
 2. Niraj Kumar Son of Umesh Kumar Mandal @ Umesh Mandal Resident of village - Bhawanpura Tola, ward no. 9, P.S. - Chausa, Distt. - Madhepura
 3. Saurav Kumar Son of Umesh Kumar Mandal @ Umesh Mandal Resident of village - Bhawanpura Tola, ward no. 9, P.S. - Chausa, Distt. - Madhepura
 4. Gaurav Kumar Son of Istuk Mandal @ Murlidhar Mandal Resident of village - Bhawanpura Tola, ward no. 9, P.S. - Chausa, Distt. - Madhepura
 5. Vishal Kumar Son of Sanjay Mandal Resident of village - Bhawanpura Tola, ward no. 9, P.S. - Chausa, Distt. - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Anju Devi W/o Vinod Sharma Resident of village - Bhawanpura Tola, ward no. 9, P.S. - Chausa, Distt. - Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Barun Kumar Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, APP
		Mr.Sanjay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellants, learned counsel for the respondent no.2 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 (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 18.07.2023, passed by learned Additional District and Sessions



Judge-1st-cum-Special Judge, Madhepura, in connection with Chausa P.S. Case No.138 of 2023, registered u/s 341, 323, 354(B), 379, 504, 506/34 of the IPC read with sections 3(1)(r) (s) of the SC/ST Act.

3. The crux of the prosecution case is that appellant no.3 knocked the husband of the informant by his motorcycle, thereafter appellant nos.1 and 2 abused the informant and appellant no.3 assaulted her husband with lathi and when her brother-in-law came for rescue, he was also assaulted by appellant no.1. The other appellants were also assaulting and abusing the informant's side.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the allegation of hurling abuses by taking caste name is not said to have taken place in public view. Also, there is no specific allegation against the appellants to abuse the informant by taking caste name rather the allegation is general and omnibus in nature. It is further submitted that the injury of the injured were found



simple in nature, which is evident from Annexure-3 series to the memo of appeal. Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. Considering the facts and circumstances of the case, since the injuries are simple in nature and there is no specific allegation against the appellants to abuse the informant by taking caste name, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum-Special Judge, Madhepura, in connection with Chausa P.S. Case No.138 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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