

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3953 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Purnia

Manik Lal Mistree @ Manik Lal Sharma, Gender-Male, aged about 35 years,
S/o Late Hari Mistree @ Hari Sharma, R/o Vill- Chatar, Naya Tola Ward No
10, P.S.- K Nagar, Dist – Purnea.

... .. Appellant

Versus

1. The State of Bihar.
2. Asha Devi, aged about 27 years, W/o Sintu Kumar Paswan, R/o vill - Chatar
Naya Tola, Ward No. 10, P.S. - K. Nagar, Distt. - Purnea.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Bipin Kumar, Advocate
For the Respondent No.2:	:	None.
For the State	:	Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

3 13-11-2024 Heard learned counsel for the appellant and learned

Spl. P.P. for the State. However, learned counsel for the

respondent no. 2 has not appeared despite service of notice on

her.

2. 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 for prayer of bail of the
appellant vide order dated 25.06.2024, passed by the learned
Special Judge, SC/ST Act, Purnea in connection with SC/ST
P.S. Case No. 15 of 2023 registered for the offences punishable



under Sections 147, 148, 341, 323, 325, 354, 379, 504, 506 of the I.P.C. and Sections 3(1)(r) (s) (e) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that on 11.04.2023 at about 8.30 P.M., when the informant was going to the house of her villager Ashok Sharma to see his ailing wife, the appellant and the co-accused persons holding rod and lathi are alleged to have surrounded her and abused her by calling her caste name and started assaulting. The co-accused Kabir Mahto slammed the informant on the ground by catching hold of her hair and started pressing her neck. The co-accused persons Amit, Sanjay, Dilkhush and Ghanshyam lifted her in their lap and tore her clothes due to which she became semi-naked and also threw her in a drain. The co-accused Kabir Mahto, Manik Lal Mistri (appellant), Amit Mahto and Kalpana Devi pasted garbage of drain over her face and body and the co-accused Kabir Mahto and Dilkhush Mahto took her golden Mangalsutra. When some villagers came to rescue her, they were also assaulted and abused by the accused persons. It is further alleged that several cases were lodged against the accused persons in the police station and in the court. The co-accused Sanjay Mahto and Kabir Mahto are indulged in doing the business of liquor. The informant was brought to the hospital for



her treatment.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to an ulterior motive. It is further submitted that there is no specific allegation of assault on the informant against the appellant rather the same is against the other co-accused persons. There is general and omnibus allegation against him. The alleged occurrence took place on 11.04.2023 as to when the F.I.R. was lodged on 28.04.2024 after a delay of seventeen days for which no explanation has been given by the prosecution. The appellant has no concern with the alleged offence. The other co-accused Sanjay Mahto has already been granted bail by a Bench of this Court vide Cr. Appeal (SJ) No. 853 of 2024. The appellant is in custody since 29.11.2023. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the



learned counsel for the appellant, the impugned order dated 25.06.2024, passed by learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 15 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 15 of 2023.

(Chandra Prakash Singh, J)

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