

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4041 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- MAIRWAN District- Siwan

Dr. Manoj Singh @ Manoj Kumar Singh Son of Ram Naresh Singh R/o vill -
Mairwa Dham, P.S.- Mairwa, Distt. - Siwan, Bihar Appellant/s
Versus

1. The State of Bihar
2. Inrawati Devi Wife of Sitaram Gond R/o vill - Mairwa Dham, P.S. - Mairwa,
Distt. - Siwan, Bihar
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prashant Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. P.P. for the State submits that vide order dated 08.11.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on her behalf.

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 vide order dated 29.05.2023 passed by learned Additional Sessions Judge 1-cum -Special Judge (SC/ST Act), Siwan in connection with Mairwa P.S. Case No. 68 of 2023 registered under Sections 147, 448, 341, 323, 324, 307, 427, 354, 379, 504 and 506 of the Indian Penal Code and Section 3(i) (r) (s)



and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is that he along with other co-accused persons have assaulted the informant and her daughter with knife and abused her by taking caste name and also tried to commit sexual assault with the daughter of the informant.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. It is admitted land dispute between the parties is clear from annexure-2 of the memo of appeal. On perusal of injury report, injury sustained by the informant is simple in nature. Both sides have sustained injuries in the present appeal. There is case and counter-case between the parties. The allegation of slating the informant levelled



against the appellant is not specific rather general and omnibus in nature. Hence, no offence under SC/ST Act is made out against the appellant. Appellant has two criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, the above named appellant, there is case and counter-case between the parties and both parties have sustained injuries, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1-cum Special Judge (SC/ST Act), Siwan in connection with Mairwa P.S. Case No. 68 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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