

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4121 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- MANJHI District- Saran

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1. Bachchca Prasad @ Bachcha Pd. Gupta @ Bachcha Prasad Son Of Late Ram Dayal Sah Vill Gandh Bajar, Ps Manjhli, District Saran
 2. Gyanti Devi Wife Of Bachchca Prasad @ Bachcha Pd. Gupta @ Bachcha Prasad Vill Gandh Bajar, Ps Manjhli, District Saran
 3. Pritam Kumar Son Of Bachchca Prasad @ Bachcha Pd. Gupta @ Bachcha Prasad Vill Gandh Bajar, Ps Manjhli, District Saran
 4. Vina Kumari @ Vibha Kumari @ Riya Kumari @ Riya Kumari Gupta D/O Bachchca Prasad @ Bachcha Pd. Gupta @ Bachcha Prasad R/O Village-Gadh Bazar, Ps. Manjhi, Dist. Saran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Suman Devi Wife Of Pramod Kumar Choudhary Village- Manjhi Chauba Sthan, Ps- Manjhi, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Rajesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 05-04-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 09.08.2022 passed by learned Court of Exclusive Special Judge, SC/ST, Saran in connection with Manjhi P.S. Case No. 197/2023 dated 22.06.2023 registered for



the offence/s punishable u/ss 341, 323, 324, 325, 354, 504, 506 read with section 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act (POA).

3. As per the prosecution case, on 22.06.2023 the informant had gone to Manjhi Garh Bazar to purchase some household articles, but Bachcha Prasad abused the informant by calling her caste name. On protest, he slammed her and Rajiv Kumar assaulted her with sword on her head, causing injury. In the meantime, Pritam Kumar assaulted the informant with iron rod due to which her right hand got fractured and she fell down. Thereafter, Bachcha Prasad's wife and two daughters assaulted the informant with bricks.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. The appellant No. 2 and 4 are ladies. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. There is a case and counter case between both the parties. Learned counsel has submitted as per the annexure-6, the injury is simple in nature. The appellants have no criminal antecedents as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently



opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 09.08.2022 passed by learned Court of Exclusive Special Judge, SC/ST, Saran in connection with Manjhi P.S. Case No. 197/2023, is set aside against the appellants. The criminal appeal is allowed.

7. 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 Court of Exclusive Special Judge, SC/ST, Saran in connection with Manjhi P.S. Case No. 197/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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