

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4078 of 2023

Arising Out of PS. Case No.-191 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. Chandan Kumar Sinha Son of Naresh Kumar Sinha R/o Mohalla - Bahuar Choura, Brahamani Ghat, P.S. - Vishnupad, Distt. - Gaya
2. Shekhar Kumar Sinha @ Nagesh Kumar Son of Naresh Kumar Sinha R/o Mohalla - Bahuar Choura, Brahamani Ghat, P.S. - Vishnupad, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakuntala Devi Wife of Shri Sanjay Manjhi R/o Mohalla - Bhusunda, P.S. - Muffasil, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rabindra Kumar Priyadarshi, Adv
For the Respondent/s : Mr.Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 29-03-2024 Heard learned counsel for the appellant 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 against the refusal of prayer for anticipatory bail vide order dated 24.07.2023 passed by the^t learned Exclusive Special Judge (SC/ST)Special Court Gaya in connection with Muffasil P.S. Case no. 191 of 2021 registered for the alleged offences under sections 341, 323, 504, 506, 379, 354, 308/34 of the Indian Penal Code and Section 3(i) (r) (s) of the SC/ST Act.

3. As per the prosecution case, all the accused persons



including the appellants came to the house of informant and tried to ousted her from her house on the ground that the house belongs to the appellants. They assaulted the informant and her children with fists ,slaps and bricks and the appellant no. 2 snatched Rs. 2000/- and a mobile phone. They also abused her by taking her caste name.

4. learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. The occurrence took place inside the house of the informant. The informant and her children did not sustain injury. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellants. The appellants have clean antecedent stated in para-3 of the petition. Learned counsel for both the parties have stated that both the parties have compromised the case.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail 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 24.07.2023 passed by the learned Exclusive Special Judge, SC/ST , Gaya in connection with Muffasil P.S. Case no. 191 of 2021 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Muffasil P.S.Case No. 191 of 2021, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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