

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4189 of 2023

Arising Out of PS. Case No.-86 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Sudeep Mahto Son Of Late Ramanand Mahto Residnet Of Village -
Murauwatpur, Ps- Desri, Dist- Vaishali
 2. Rajiv Kumar Son Of Late Ramanand Mahto Residnet Of Village -
Murauwatpur, Ps- Desri, Dist- Vaishali
 3. Sandeep Kumar Son Of Late Ramanand Mahto Residnet Of Village -
Murauwatpur, Ps- Desri, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Muniya Devi Wife Of Sulindra Ram Residnet Of Village - Murauwatpur, Ps-
Desri, Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yugal Kishore, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
		Mr. Rajeev Ranjan No.II, Adv.
		Ms. Priyanka Kumari, Adv.
		Ms. Kumari Rupa, Adv.
		Ms. Anjana Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-05-2024

Heard the parties.

2. This appeal has been filed against the order dated 16.06.2023 passed by Special Judge SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 1543 of 2023 arising out of Complaint Case No. 86 of 2019, registered under Section 323 of the Indian Penal Code and Sections 3(i)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. It is alleged that due to scuffle took place between kids,



appellant no. 3 came and assaulted the complainant with *lathi* due to which complainant sustained injury on his head as well as fracture on hand. The appellant no. 3 also assaulted the son of the complainant.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to enmity. Further submission is that this complaint case has been filed after a delay of 43 days of the alleged occurrence. The present complaint case is a counter blast of Deshri P.S. Case No. 223 of 2019 which was filed by the appellant no. 1 against the husband and son of the informant. It is next submitted that though there is allegation of assault by means of *lathi* against the appellant no. 3 but the doctor has found the injuries simple in nature. There is no allegation of abuse by caste name against these appellants, as such, no offence under SC/ST Act is made out against them. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the submissions made above, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on



furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge SC/ST, Vaishali at Hajipur in connection with A.B.P. No. 1543 of 2023 arising out of Complaint Case No. 86 of 2019.

7. Accordingly, the impugned order dated 16.06.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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