

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4304 of 2023

Arising Out of PS. Case No.-353 Year-2023 Thana- HARSIDHI District- East Champaran

1. SHAMBHU SINGH son of Late Ramashray singh Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran
2. Satender Singh @ Satender Kumar @ Laddu Singh son of Shambhu Singh Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran
3. Vishal Kumar son of Narad Singh Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran
4. Mukesh Singh son of Late Bhagwat Singh Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran
5. Narad Singh son of Late Bhagwat Singh Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran
6. Mina Devi wife of Narad Singh Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Punyadeo Ram son of Hira Ram Village- Laukariya Po- Harsidhi Ps- Harsidhi Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 05-04-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. Learned counsel for the appellants seeks permission to withdraw the present anticipatory application with respect to the appellant no. 3 because he has been arrested during pendency of the



application.

3. Permission is accorded.

4. Accordingly, the present anticipatory application is dismissed as withdrawn with respect to the appellant no. 3.

5. 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 08.08.2023 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 353 of 2023, registered for the alleged offences under Sections 147, 149, 341, 323, 324, 379, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. Act.

6. As per the prosecution case, the appellants and other co-accused persons holding lathi, Garasa, iron rod, axe and spear came to the door of the informant to compromise the previous case. On being objected, the appellant no. 1 abused the informant by calling his caste name. They entered his house and started assaulting the informant. When her wife came to rescue she was assaulted by Mina Devi and the co-accused Pankaj Kumar, Vishal started pulling her cloth. It is further alleged that the appellants also looted clothes worth Rs. 20,000/- and jewellery worth Rs. 1,00,000/-. They damaged the motorcycle parked in front of the house.

7. Learned counsel for the appellants submitted that the appellants are innocent and has falsely been implicated in this case.



The allegation of abusing against the appellants is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellants. The appellants have three criminal antecedents out of which in one case they are on bail as stated in para 3 of the appeal. There is case and counter case between both the parties.

8. 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 and submitted that the occurrence is said to be taken place at the door of the informant.

9. 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 08.08.2023 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 353 of 2023 is set aside against the appellants. The criminal appeal is allowed.

10. Accordingly, the above named appellants no. 1, 2, 4, 5 and 6 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) each with two sureties of the like amount each to the satisfaction of court of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Harsidhi



P.S. Case No. 353 of 2023, subject to the conditions mentioned in
Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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