

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4805 of 2023

Arising Out of PS. Case No.-126 Year-2021 Thana- BATHNAHA District- Sitamarhi

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1. Jaynandan Raut @ Jaiman Raut Son Of Late Fakira Raut Village- Bhataulia East, Ps -Bathnaha, District- Sitamarhi
 2. Sunil Raut Son Of Jay Nandan Raut @ Jayman Raut Village- Bhataulia East, Ps -Bathnaha, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Subh Karan Manjhi @ Kumbhkaran Manjhi Son Of Lakshmi Manjhi Village- Bhataulia East, Ps -Bathnaha, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raja Ram Rai
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 17-05-2024 1. Heard learned counsels appearing for the parties.

2. The appellant have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 17.08.2023 passed by the learned 1st Additional Sessions Judge (SC/ST), Sitamarhi in connection with Bathnaha P.S. Case No. 126 of 2021 registered under Sections 147, 148, 323, 324, 307, 427, 354(B), 504, 506 and 34 of the Indian Penal Code, Sections 3(1)(r)(s) and 3(2)(v)



of the Act and Section 27 of Arms Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon, but failed to appear.

5. The allegation against the appellant is to cause collective assault, equipped with deadly weapons like *farsa*, *Garasa*, country-made pistol etc, to the informant and family members to cause the death of one, Munna Manjhi and injured several persons. The informant, deceased and injured all belongs to the SC/ST community. The F.I.R. was lodged, where 54 persons are named and 100 unknown persons were made accused.

6. Learned counsel for the appellants submitted that similarly situated 29 co-accused persons has already been granted anticipatory bail through Cr. Appeal (SJ) No. 4635 of 2021 dated 01.02.2023 by one of the learned co-ordinate Bench of this Court. It is also



submitted that the allegation against the appellants is general and omnibus in nature where occurrence is free fight in nature. While concluding the argument, it is submitted that appellants are persons of clean antecedent and, moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

8. Learned Special P.P. for the State opposes the prayer for bail.

9. Considering the facts and circumstances, as mentioned above, as the allegation against the appellants is very much general and omnibus, as also the occurrence was a free fight between the parties in



the background of previous enmities, negating intention to cause death on its face coupled with the fact that charge-sheet has already been submitted, let the appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge (SC/ST Act), Sitamarhi in connection with Bathnaha P.S. Case No. 126 of 2021, subject to to conditions as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, impugned order dated 17.08.2023 is set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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