

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4952 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- JANDAHA District- Vaishali

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1. MUKESH KUMAR SINGH @ RAMTAHAL SINGH
 2. Kunal Kumar Singh @ Kunal Kr. son of Mukesh Kumar Singh @ Ramtahal Singh
Both are residents of Village & Po- Shoharhi PS- Jandhaha Dist- Vaishali
- Appellant/s

Versus

1. The State of Bihar
2. Rita Devi wife of Sunil Ram Village Po- Shoharhi Ps- Jandhaha Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.N.P. Singh, Sr. Advocate Mr. Gaurav Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.P.P. Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-07-2024 1. Heard learned Senior Counsel for the appellants
and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 23.09.2023 passed by the learned Exclusive Special Court (SC/ST Act) Vaishali at Hajipur in connection with Jandhaha P.S. Case No.197 of 2023, instituted for the offences under Sections 341, 323, 379, 354, 504 and 34 of the IPC and Section 3(1)(r)(s)(w) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned Senior Counsel appearing on behalf of the appellants submits that the appellants have been falsely



implicated in the instant case by the informant.

4. It is next submitted that the informant alleges that Mukesh and Kunal abused her by taking caste name, as she was a witness in a case against Kunal. It is also alleged that Kunal assaulted the informant with slaps and Mukesh threw her on the ground and thereafter assaulted her with lathi and danda, on account of which she lost her senses and they snatched golden chain worth Rs.75,000/-.

5. The learned Senior Counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that the appellants does not even remotely suggests that the occurrence was witnessed by any independent witness, as the occurrence did not take place in public view and as far as allegation of assault and snatching of chain is alleged, the same is ornamental.

6. The learned Special P.P. and learned counsel appearing on behalf of the informant opposes the appeal, but then are not in a position to rebut the submission of the learned Senior Counsel for the appellants that the occurrence was not witnessed by any independent witnesses, as such SC/ST Act is not attracted.



7. Regard being had to the aforesaid submissions, the order dated 23.09.2023 is set aside.

8. The appeal stands allowed.

9. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (SC/ST Act) Vaishali at Hajipur in connection with Jandhaha P.S. Case No.197 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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