

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5046 of 2023

Arising Out of PS. Case No.-454 Year-2023 Thana- MASHRAK District- Saran

MANORANJAN PRASAD RAI son of Sri Udit Prasad Rai Village-
Mandrauli Ps- Amnour Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantosh Kumar son of Dashrath Ram Village- Belaur Ps- Panaur Dist-
Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shyam Kishore, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 12.10.2023 passed by learned SC/ST Exclusive Special Judge, Chhapra, Saran in A.B.P. No. 3812/2023 in connection with Mashrakh P.S. Case No. 454 of 2023, registered under Sections 341, 323, 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that on 28.08.2023 at about 12 PM, when informant went to the State Bank Branch, Mashrakh and was waiting for his turn at counter No. 1, this



appellant who was posted at counter No. 1 got his passbook and thereafter returned him. It is further alleged that he also abused the appellant by caste name and twisted his arm. The alleged incident has been recorded in the CCTV camera.

4. Learned counsel for the appellant submits that no motive has been given as to why appellant has committed the alleged offence. As a matter of fact, the informant came to the Branch office after 4 PM and when the cash counter was closed, he insisted to withdraw cash and on refusal, he got agitated and abused the appellant and other staff of the Bank for which appellant has filed Complaint Case No. 2880 of 2023 against the informant. It is next submitted that F.I.R. has been lodged after delay of 3 days and there is no plausible explanation for the same. Furthermore, it is not the case of the informant that the alleged occurrence has taken place within the public view and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellant claims clean antecedent.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent No. 2 vehemently opposed the prayer for anticipatory bail of the appellant.

6. Considering the delay in lodging the F.I.R., case



and counter case and clean antecedent, impugned order dated 12.10.2023 passed by learned SC/ST Exclusive Special Judge, Chhapra, Saran in A.B.P. No. 3812/2023 in connection with Mashrakh P.S. Case No. 454 of 2023 is set aside.

7. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with Mashrakh P.S. Case No. 454 of 2023.

8. Accordingly, the impugned order, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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