

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5401 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- PARIHAR District- Sitamarhi

1. MANISH KUMAR @ MANISH KUMAR SAH SON OF FAGUNI SAH
RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT-
SITAMARHI
2. MITHILESH RAY @ MITHILESH RAI SON OF LATE CHULAHAI RAY
RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT-
SITAMARHI
3. RAMESH PRASAD SAH @ RAMESH KUMAR SAH SON OF SON OF
RAM VINOD SAH RESIDENT OF VILLAGE- DHARHARWA, P.S.-
PARIHAR, DISTRICT- SITAMARHI
4. SAROJ SAH SON OF LATE RAMSEVAK SAH RESIDENT OF
VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
5. VIRENDRA SAH SON OF RAM SHRESHTH SAH RESIDENT OF
VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
6. ANURUDH SAH @ ANIRUDH SAH SON OF LATE YOGI SAH
RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT-
SITAMARHI
7. RAMBABU MANDAL SON OF NAWAL MANDAL RESIDENT OF
VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
8. BADRI SAH @ BADRI SAH SON OF LATE MAHARAJA SHAH
RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT-
SITAMARHI
9. MOHAN SAH SON OF CHULHAI SAH RESIDENT OF VILLAGE-
DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
10. RAJESH SHAH @ RAJESH SAH SON OF LATE RAJENDRA SHAH
RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT-
SITAMARHI
11. PREM KISHOR THAKUR @ PREM THAKUR SON OF LATE
NILAMBAR THAKUR RESIDENT OF VILLAGE- DHARHARWA, P.S.-
PARIHAR, DISTRICT- SITAMARHI
12. KISUN DEV RAM @ KISHUN DEV RAM SON OF LATE RAM AVTAR
RAM RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR,
DISTRICT- SITAMARHI
13. SRI RAI @ SRINARAYAN RAI @ SHREE NARAYAN ROY SON OF
LATE NATHUNI ROY @ SEWAK RESIDENT OF VILLAGE-
DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
14. VINAY RAM SON OF RAJKISHOR RAM RESIDENT OF VILLAGE-
DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
15. MITHILESH SAH SON OF LATE JUGESHWAR SAH RESIDENT OF
VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
16. RAMJI MANDAL SON OF LATE NISHE MANDAL @ LATE URAY
MANDAL RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR,



DISTRICT- SITAMARHI

- 17. VINAY KUMAR RAY @ VINAY RAI SON OF LATE RAMESHWAR RAY RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
- 18. BABLU SAH @ BABLU KUMAR SON OF FAGUNI SAH RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
- 19. ANAND KUMAR DWIVEDI @ ANAND KUMAR DUBEY @ ANAND KUMAR SON OF DURGANANDAN DWIVEDI RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
- 20. PUNKIT KUMAR @ PULKIT PRASAD @ PULKIT KUMAR SON OF LATE HEMAN RAY RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI
- 21. VINOD RAI @ BINOD RAY SON OF LATE BHIKHARI RAY RESIDENT OF VILLAGE- DHARHARWA, P.S.- PARIHAR, DISTRICT- SITAMARHI

... .. Appellant/s

Versus

- 1. The State of Bihar BIHAR
- 2. DAY SHANKAR SAH, SUB INSPECTOR, PARIHAR P.S. DISTRICT- SITAMARHI BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashank Chandra
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-08-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer of anticipatory bail vide order dated
12.09.2023 passed by learned Additional Sessions Judge-1st,
Samastipur, in connection with Parihar P.S. Case No.58 of 2023,



registered under Sections 147, 148, 149, 153B, 295, 307, 332, 333, 427, 436, 504, 506 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is that they are members of unlawful assembly, who put fire on a Masjid and other articles kept in the house of the Muslim community and looted away their houses and also attacked upon the police due to which some police officials sustained injuries.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. There is no allegation of slating the informant in specific name of his caste, hence, no offence under SC/ST Act is made out against the appellants. He further submitted that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 08.11.2023 passed in Cr. APP (SJ) No.3776 of 2023. Appellant nos.2 to 8, 10 to 16 and 19 to 21 have no criminal antecedents whereas appellant nos.1, 9, 17 and



18 have criminal antecedents, which is also mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, the above named appellants, 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. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Samastipur, in connection with Parihar P.S. Case No.58 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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