

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5661 of 2023

Arising Out of PS. Case No.-404 Year-2023 Thana- PAROO District- Muzaffarpur

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1. Sunita Devi Wife Of Late Ramanand Mahto Resident Of Village- Bishunpur, Jivanarayan, Ps- Paroo, Dist- Muzaffarpur
 2. Sagar Mahto @ Sagar Kumar Son Of Late Ramanand Matho Resident Of Village- Bishunpur, Jivanarayan, Ps- Paroo, Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrawati Devi Wife Of Late Ramchandra Paswan Resident Of Village- Bishunpur, Jivanarayan, Ps- Paroo, Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yugal Kishore, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P. Mr. Bhavesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 06.12.2023 passed by learned Special Judge SC/ST Act, Muzaffarpur in connection with A.B.P. No. 4186 of 2023 arising out of Paroo P.S. Case No. 404 of 2023, registered under Sections 341, 323, 147, 148, 354B, 379, 504, 506 of the Indian Penal Code, Sections 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3/4 of Daain Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. In the First Information Report, the allegation against the appellant no. 1 is of taking the briefcase of the informant in which there was some clothes and cash Rs. 10,000/- and gold ornaments of Rs. 20,000/- and the allegation against the appellant no. 2 is of assaulting and threatening the informant.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to enmity. There is general and omnibus allegation against them. The First Information Report has been lodged after a delay of 4 days of the alleged occurrence without reasonable explanation. It is further submitted that specific allegation of trying to pour excreta in the mouth of the informant is against co-accused Sikandra Mahto. It is not the case of the informant that alleged occurrence took place within public view, as such, no offence under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on



furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge SC/ST Act, Muzaffarpur in connection with A.B.P. No. 4186 of 2023 arising out of Paroo P.S. Case No. 404 of 2023.

7. Accordingly, the impugned order dated 06.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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