

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2221 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- BAKHARI District- Begusarai

MUKESH SAH @ MUKESH KUMAR SON OF MOHAN SAH RESIDENT
OF VILLAGE - WARD NO. 05, NAGAR PARISHAD, BAKHARI,
SAULANA, P.S. - BAKHARI, DISTRICT - BEGUSARAI

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR BIHAR
- 2. LALITA DEVI WIFE OF LATE MANOJ PASWAN RESIDENT OF
VILLAGE - WARD NO. 05, NAGAR PARISHAD, BAKHARI,
SAULANA, P.S. - BAKHARI, DISTRICT - BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pritish Kumar Lal, Adv
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-11-2025 Heard learned counsel for the appellant and learned
Spl. PP. 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 referred to as the "SC/ST
Act") against the refusal of prayer for anticipatory bail vide
order dated 04.04.2024 in A.B.P. No. 533 of 2024 passed by the
learned Exclusive Special Court S.C./S.T. (POA) Act,
Begusarai, in connection with Bakhari P.S. Case No. 62 of 2024
registered for the offences punishable under Sections of the
Indian Penal Code as well as Sections 341, 323, 354, 504 and
506 of the I.P.C. and Sections 3(i)(r)(s) of the SC/ST Act.



3. Learned counsel for the appellant submits that the case was taken up on 20.06.2024 when notices were issued on respondent no. 2. It is next submitted that from perusal of the office report dated 27.09.2024 it would manifest that both ordinary and registered post notice have been served on the respondent no. 2. It is next submitted that respondent no. 2 despite receiving notice chooses not to appear. It is further submitted that appellant has antecedent of one case and the informant alleges that appellant intercepted her and her son while they were coming back home and abused them by taking caste name and also assaulted them, thereafter, they came back home, when appellant also came and started abusing and assaulting her and when her son protested he was also assaulted.

4. Learned counsel for the appellant submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that allegations are in two parts first when informant along with her son were coming back to home they were intercepted by the appellant who assaulted and abused them and thereafter again when they came back home the appellant followed and committed the same occurrence but then the FIR does not even remotely suggest that the first part of the occurrence was witnessed by any independent witnesses and



the second part of the occurrence was not committed in the public place. It is also submitted that specific averment has been made at paragraph no. 7 of the appeal that husband of the informant was suffering from cancer for which informant had taken loan of Rs. 80,000/- but her husband died and when the amount was not being returned on asking of the appellant, the informant got a false case instituted by her daughter being Bakhari P.S. Case No. 140 of 2022 as pleaded at paragraph no. 3 of the appeal and thereafter the instant case came to be instituted

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 04.04.2024 in A.B.P. No. 533 of 2024 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Begusarai, in connection with Bakhari P.S. Case No. 62 of 2024 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bakhari



P.S. Case No. 62 of 2024 subject to the conditions as laid down
under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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