

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2761 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SC/ST District- Muzaffarpur

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1. Anil Kumar Bharti Son Of Ram Sakal Mahto @ Shkal Mahto Village-
Moohabbatpur, P.S.- Deoria, Distt.- Muzaffarpur
 2. Sonu Kumar Son Of Lakshman Mahato Village- Moohabbatpur, P.S.-
Deoria, Distt.- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjeet Kumar Son Of Chandeswar Ram Village- Moohabbatpur, P.S.-
Deoria, Distt.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Abhinav Shandilya, Advocate
		Mr. Vijay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellants, respondent
No. 2 and the State.

2. This appeal has been filed against the order dated 15.05.2024 passed by learned Special Judge, SC/ST Act, Muzaffarpur in connection with A.B.P. No. 1017 of 2024 arising out of Muzaffarpur SC/ST P.S. Case No. 02 of 2024, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, while informant was going to his house, in the meantime, appellant No. 2 stopped his bike and threw the key in the canal. It is further alleged that the accused persons assaulted informant by means of *danda*, *lathi* and iron rod and abused him by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in this case due to village politics. As a matter of fact, informant is a habitual drinker and he used to abuse the villagers and upon objection by the appellants, this false and concocted case has been lodged. Allegation of assault is general and omnibus and there is no specific allegation of overt act against these appellants. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against the appellants.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight 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. 1017 of 2024 arising out of Muzaffarpur SC/ST P.S. Case No. 02 of 2024

7. Accordingly, this criminal appeal is allowed and impugned order dated 15.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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