

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4200 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- DHARHARA District- Munger

Mithu Kumar @ Aman Kumar Son of Hari Narayan Prasad Resident of Village and P.O.- Mangarh, P.S.- Dharhara, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jura Devi Wife of Buddhu Manjhi Resident of Village and P.O.- Kaswa Dharhara Ward No.- 1, Mushahri Tola, P.S.- Dharhara, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hafiz Shahbaz Arif
For the O.P. No. 2	:	None
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 20-02-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State, none turned up on behalf of the O.P No. 2, however, notice has validly been served.

3. 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 bail *vide* order dated 09.08.2024 passed by the learned Special Judge (SC/ST Act), Munger in connection with Dharhara P.S. Case No. 142 of 2024 dated 07.06.2024 registered for the offence/s punishable u/ss 147, 448, 341, 323, 354, 504 and 506 of the Indian Penal Code



and Sections 3(1)(r)(s)(w), 3(2) (va) of SC/ST Act.

4. As per the prosecution case, the petitioner along with other co-accused persons entered the house of the informant and started teasing and abusing the informant and her daughter-in-law and they have also assaulted the son of the informant.

5. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. It is further submitted that there is general and omnibus allegation against the appellant and no specific allegation against the appellant. It is further submitted that the injury sustained by the injured is simple in nature. As per FIR, the incident took place inside the house and no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The appellant has no criminal antecedent as stated at para-3 of the bail petition. The appellant is in custody since 31.07.2024. Similarly situated co-accused has already been granted regular bail by this court vide order dated 06.02.2025 passed in Cr. Misc No. 3498 of 2024.

6. Learned counsel learned Spl. P.P. for the State has vehemently opposed the prayer of bail.



7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 09.08.2024 passed by the learned Special Judge (SC/ST Act), Munger in connection with Dharhara P.S. Case No. 142 of 2024 is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Munger in connection with Dharhara P.S. Case No. 142 of 2024.

(Chandra Prakash Singh, J)

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