

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4804 of 2024**

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

Sahil kumar, Son of Sahendra Kumar @ Shailendra Sao, Resident of Village - Jagdishpur, P.S. - Dharhara, District- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Jura Devi, Wife of Budhdhu Manjhi, Resident of Village - Kasba, Dharhara, Ward No.01, Mushahri Tola, P.S. - Dharhara, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Bhushan, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-04-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. As per the office notes dated 10.04.2025, notice has been taken by the respondent no.2, hence, notice upon respondent no. 2 deemed to be validly 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 Dharahara 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 and there is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated at para-3 of the bail petition. The appellant is in custody since 31.07.2024.

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 Dharahara 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 learned Special Judge (SC/ST Act), Munger in connection with Dharahara P.S. Case No. 142 of 2024.

(Chandra Prakash Singh, J)

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