

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5642 of 2024

Arising Out of PS. Case No.-405 Year-2024 Thana- MADHUBAN District- East Champaran

1. Prem Kumar Sah Son of Ram Balak Sah Resident of Village - Banki Tikam, P.S. - Madhuban, District - East Champaran
2. Lalan Kumar Sah Son of Ram Balak Sah Resident of Village - Banki Tikam, P.S. - Madhuban, District - East Champaran
3. Manoj Kumar Sah Son of Late Gauri Sah Resident of Village - Banki Tikam, P.S. - Madhuban, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradeep Kumar Prabhakar Son of Indradev Baitha Resident of Village - Padumker, P.S. - Patahi, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Ms. Usha Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 At the outset, learned counsel for the appellants seeks

permission to withdraw this appeal with respect to appellant No.

1.

2. Permission is granted.

3. This appeal with respect to above named appellant
No. 1 is, accordingly, dismissed as withdrawn.

4. Heard learned counsel for the parties.

5. This appeal has been filed against the order/judgment
dated 22.11.2024 passed by learned Special Judge, SC/ST Act,
East Champaran, Motihari in connection with A.B.P. No. 4878



of 2024 arising out of Madhuban P.S. Case No. 405 of 2024, registered under Sections 126(2), 115(2), 109, 132, 324(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

6. As per prosecution case, on 30.08.2024, when informant was undertaking visit for collecting documents of beneficiaries under Pradhan Mantri Awas Yojana, at the house of appellant No. 1, all the F.I.R. named accused persons including these appellants abused informant by taking caste name, tore the documents and assaulted him by pressing his neck.

7. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, appellant No. 1 is husband of present Mukhiya who has filed a complaint case against informant and others before Chief Judicial Magistrate, Motihari at East Champaran *vide* Complaint Case No. 2516 of 2024 and in retaliation, this false and concocted case has been lodged. Allegation of abuse and assault is general and omnibus. 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.



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

9. Considering the aforesaid facts, let the above named appellant Nos. 2 & 3, 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, East Champaran, Motihari in connection with Madhuban P.S. Case No. 405 of 2024.

10. Accordingly, this criminal appeal is allowed and impugned order dated 22.11.2024 is set aside with respect to appellant Nos. 2 & 3 only.

(Prabhat Kumar Singh, J)

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