

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1524 of 2019**

Arising Out of PS. Case No.-36 Year-2013 Thana- MADHUBAN District- East Champaran

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1. NITESHWAR SINGH @ NITISHWAR PRASAD SINGH Son of Late Pramanand Singh @ Paramanand Singh Resident of Village - Dulma, P.s.- Madhuban, Distt.- East Champaran.
2. Sanjay Singh Son of Late Pramanand Singh @ Paramanand Singh Resident of Village - Dulma, P.s.- Madhuban, Distt.- East Champaran.
3. Vijay Singh @ Bijay Kumar Singh Son of Late Pramanand Singh @ Paramanand Singh Resident of Village - Dulma, P.s.- Madhuban, Distt.- East Champaran.
4. Lalan Ram Son of Gugul Ram Resident of Village - Dulma, P.s.- Madhuban, Distt.- East Champaran.
5. Ramai Ram Son of Late Chulhai Ram Resident of Village - Dulma, P.s.- Madhuban, Distt.- East Champaran.
6. Dhiraj Kumar Son of Ramai Ram Resident of Village - Dulma, P.s.- Madhuban, Distt.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Umesh Chandra Verma  
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

7      19-09-2019                      Heard learned counsel for the appellants and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 08.03.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari in Motihari Madhuban P.S. Case No. 36 of 2013 registered under



Sections 341, 323, 354, 313, 457 and 380/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

All the appellants intruding into the house of the informant in the night at 12 PM took out cash of Rs.2000/- and jewellery breaking the box and on protest made by the informant they slated her in the name of her caste and on exhortation of the appellant Niteshwar Singh, Lalan Ram and Vijay Singh assaulted on her abdomen by means of leg and fist resulting into her miscarriage.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellants have been falsely implicated in the case due to land dispute. Earlier to the case under hand, wife of appellant no.4 has lodged a case against the husband of the informant and others and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants with altogether wrong and concocted allegation. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made inside the house of the informant and not in public view and moreover in the night at 12 PM, hence no offence under SC/ST Act is made out



against the appellants. Though doctor has found case of recent abortion but has not found any apparent injury on any part of the person of the deceased even on her abdomen. Independent witnesses have supported the factum of land dispute between the parties. As a matter of fact, informant has fallen down on the ground which resulted into her miscarriage and appellants have no concern with the aforesaid occurrence. There is inordinate and abnormal delay of 24 days in lodging the F.I.R. without assigning any plausible and convincing explanation for the said delay which creates doubt about the prosecution case. Parties to the case have entered into compromise.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 36 of 2013, subject to the condition as laid down under Section 438



(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and  
appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

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