

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2159 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. SRIRAM SAH Son of Lalbabu Sah Resident of Village - Manjhariya, P.S.-
Lauriya, District- West Champaran.
 2. Jairam Sah Son of Lalbabu Sah Resident of Village - Manjhariya, P.S.-
Lauriya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

4 31-07-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.3.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Bettiah, West Champaran in connection with Bettiah S.C/ST P.S. Case No. 46 of 2018, registered under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code and also under Section 3 (i) (r) (ii) (Va), of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Co-accused Rajdeo Sah is said to have slated the informant in the name of her caste over row of according her rot vegetables in lieu of cleaning of his shop. On exhortation of the Rajdeo Sah three other accused persons including appellants arrived there and assaulted the informant. Accused Lal Babu Sah snatched her Mangalsutra and nose-pin.

It is submitted by the learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. There is no allegation of slating the informant in the name of her caste against the appellants rather against the co-accused Rajdeo Sah. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of twenty-seven days in lodging the F.I.R without assigning any plausible explanation for the same. They have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event



of their arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, Bettiah, in connection with Bettiah S.C/S,T. P.S. Case No. 46 of 2018, subject to 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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