

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2226 of 2019

Arising Out of PS. Case No.-60 Year-2017 Thana- PIPRASI District- West Champaran

1. SURESH RAI Son of Late Ratan Rai Resident of Village - Parsauni, P.S.- Piprasi, District- West Champaran
2. Ashwani Rai @ Pattu Rai Son of Suresh Rai Resident of Village - Parsauni, P.S.- Piprasi, District- West Champaran
3. Surjeet Rai @ Sujeet Rai Son of Suresh Rai Resident of Village - Parsauni, P.S.- Piprasi, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-07-2019 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 09.4.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Piprasi P.S. Case No. 60 of 2017, registered under Sections 447, 427, 341, 323, 389, 504, 506, 34 of the Indian Penal Code and also under Section 3 (i) (x) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, but late on cognizance has taken U/s 341, 323, 447, 504 of the I.P.C. and 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the wife of the informant was planting taro root, appellants and one other named accused standing there started abusing and uprooting the same, on protest made by his wife they shoved her on ground and assaulted her by means of legs and fists and slated her and snatched her ornaments over land dispute.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute. Moreover, allegation of slating the informant against the appellants is not specific rather general and omnibus in nature. Wife of the informant has not sustained injury in the occurrence. There is no allegation of slating the victim in the specific name of her caste against the appellants so no offence under SC/ST Act is made out against the appellants. 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, West Champaran at Bettiah in connection with Piprasi P.S. Case No. 60 of 2017, 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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