

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2492 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. CHHEDI SAH @ CHHEDI PRASAD S/O LATE NARSINGH SAH
Resident of Village - Chuhari, P.S.- Chanpatia, Dist.- West Champaran.
 2. Ajay Sah @ Ajay Kumar Prasad Son of Chhedi Sah @ Chhedi Prasad
Resident of Village - Chuhari, P.S.- Chanpatia, Dist.- 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

3 02-08-2019 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 15.05.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 12 of 2018, registered under Sections 341, 323, 354, 504 & 34 of the Indian Penal Code and also under Section 3 (i) (r) (w) (II) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants is said to have constructed the house encroaching the land of the informant and opened grill towards his



land. On the date of occurrence while informant was taking bath at her hand-pump, appellant Ajay Sah was peeping her taking bath and on spotting when informant raised alarm both the appellants intruded into the house of the informant and slated the informant in the name of her caste.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case. As a matter of fact, appellants had purchased the adjacent land of the informant from her agnate and constructed house on the said land and opened grill towards the land of the informant in his own land but informant wants to block the said grill and due to aforesaid reason informant has lodged this false and frivolous case against the appellants with altogether false and concocted allegation to mount pressure upon them. Independent witnesses have not supported the occurrence. Moreover, the allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. The occurrence of slating the informant in the name of her caste is said to have taken place inside the house of the informant and not in public view, hence no offence under SC / ST Act has been made out against the appellants. They



have no criminal antecedent. Hence, they may be enlarged on bail.

On the other hand, learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant opposing the prayer for bail submitted that some witnesses have supported the occurrence and charge-sheet has been filed by the I.O. and cognizance has been taken by the court below in the case. Hence, appellants do not deserve 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, West Champaran in connection with Bettiah P.S. Case No. 12 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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