

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2812 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- RAJEPUR District- East Champaran

SHASHI KUMAR Son of Rajendra Bhagat Resident of Village - Punas, P.S.-
Madhuban, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

WITH

CRIMINAL APPEAL (SJ) No. 2814 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- RAJEPUR District- East Champaran

DILEEP KUMAR Son of Sukdev Prasad Resident of Village - Madhuahan
Brit, P.S.- Rajepur, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2812 of 2019)

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 2814 of 2019)

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mrs.Usha Kumari 1

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

ORAL ORDER

4 13-09-2019 As both the criminal appeals have cropped up from

the same order and P.S. Case No., hence aforesaid two appeals

are being heard together and disposed of by this common order.

Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.



Aforesaid appeals have been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 31.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Rajepur P.S. Case No. 29 of 2019 registered under Sections 341, 323, 354 B, 504 & 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with one another accused intercepted the daughter and son-in-law of the informant on the way to their house and teasing his daughter tried to take them to mango orchard, but on arrival of the passerby by that time they left them and when his daughter and son-in-law arrived near the Mushhari Tola, all the aforesaid three accused persons along with some unknown miscreants surrounded them and shoving them down from the motorcycle assaulted them by means of leg and fist. Co-accused Jitendra Kumar tore salwar of his daughter. On arrival of the villagers they left the scene slating them in the name of their caste and extending threatening.



It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to political rivalry. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is inordinate and abnormal delay of 15 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent. Co-accused Jitendra Kumar has been enlarged on bail by this Court vide order dated 02.09.2019 passed in Cr. Appeal (SJ) No.3507 of 2019.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Rajepur P.S. Case No. 29 of



2019, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and
aforesaid two appeals are allowed.

(Prakash Chandra Jaiswal, J)

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