

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2923 of 2019

Arising Out of PS. Case No.-74 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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1. BABITA DEVI W/o Suraj Sah R/o Village- Purushottampur, P.S.- Purushottampur, District- West Champaran, at present Indra Chowk Ganj No. 1 Bettiah, P.S.- Bettiah Town, District- West Champaran
 2. Meena Devi W/o Prahlad Sah @ Pahlad Sah Resident of Indra Chowk Ganj No. 1 Bettiah, P.S.- Bettiah Town, District- West Champaran
 3. Pankaj Sah S/o Prahlad Sah @ Pahlad Sah Resident of Indra Chowk Ganj No. 1 Bettiah, P.S.- Bettiah Town, District- West Champaran

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra

For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 22-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.74 of 2017 registered under Sections 341, 323, 379 & 504/34 of the Indian Penal Code and Section 3(1) (r) (ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

While the informant was proceeding to his house from market the appellants dashed him and on protest made by the informant they slated him in the name of her caste.

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. As a matter of fact, informant was vending vegetable on the road side which was damaged by Pankaj Sah by his motorcycle for which a panchayati was held for compensation and to mount pressure upon them this false and frivolous case has been lodged by the informant. Appellant nos.1 & 2 were pillion rider and they had themselves fallen in the dash. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the specific name of her caste against appellant nos.1 & 2. Hence, no offence under Section SC/ST Act is made out against them. Appellants have no criminal antecedent. Appellant nos.1 & 2 happen to be lady.

Learned Spl. PP for the State opposed the prayer for bail submitting that the appellant Pankaj Sah is said to have slated the informant due to collision of the informant with his motorcycle.

In the facts and circumstances of the case,



appellant no.1-Babita Devi and appellant no.2-Meena Devi, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released 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/POCSO), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.74 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is direct allegation against appellant no.3- Pankaj Sah of slating the informant in the specific name of her caste, I am not inclined to enlarge him on bail. His prayer for bail is hereby rejected. However, he is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal stands disposed of.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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