

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3112 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- NAUTAN District- West Champaran

1. RAMU PRASAD Son of Late Bhola Raut Resident of Village- Gahiri, Police Station- Nautan, District- West Champaran.
2. Jitendra Kumar Son of Ramu Prasad Resident of Village-Gahiri, Police Station-Nautan, District-West Champaran.
3. Sikendra Kumar Son of Ramu Prasad Resident of Village-Gahiri, Police Station-Nautan, District-West Champaran.
4. Sipahi Kumar Son of Ramu Prasad Resident of Village-Gahiri, Police Station-Nautan, District-West Champaran.

... ... Appellants.

Versus

The State of Bihar.

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No 7
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 05-09-2019 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 14.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Nautan P.S. Case No.27 of 2019 registered



under Sections 323, 341, 504, 506 & 427 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants started dismantling the house of the informant and on protest made by him, they slated him in the name of caste. When his brother and wife rushed in his rescue they also slapped them and extended threatening dismantling the house.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case merely because they happen to be next door neighbour of the informant and the informant has constructed his house encroaching the land of the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. As per the F.I.R. none was present at the place of occurrence at the time of occurrence, hence the said slating cannot be said to be in public view and no offence under SC/ST Act is made out against the appellants. There has been inordinate and abnormal delay of five days in lodging the F.I.R. without assigning any plausible explanation for the same. Appellants have no criminal antecedent.



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, West Champaran at Bettiah in connection with Nautan P.S. Case No.27 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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