

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3227 of 2019

Arising Out of PS. Case No.-138 Year-2017 Thana- SC/ST District- East Champaran

1. Geeta Devi Wife of Naresh Singh Resident of Village and P.O.- Machchhargaon, P.S.-Kotwa, District- East Champaran.
2. Naresh Singh @ Ram Naresh Singh Son of - Late Singheshwar Singh Resident of Village and P.O.- Machchhargaon, P.S.-Kotwa, District- East Champaran.
3. Arbind Singh @ Sonu Singh Son of Naresh Singh @ Ram Naresh Singh Resident of Village and P.O.- Machchhargaon, P.S.-Kotwa, District- East Champaran.
4. Abhishek Singh @ Rishu Singh Son of- Naresh Singh @ Ram Naresh Singh Resident of Village and P.O.- Machchhargaon, P.S.-Kotwa, District- East Champaran.
5. Punyadeo Singh @ Pundeo Singh Son of Angbir Singh Resident of Village and P.O.- Machchhargaon, P.S.-Kotwa, District- East Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar No.1
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 06-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), East



Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 138 of 2017 registered under Sections 341, 323, 354 B, 379 and 504/34 of the Indian Penal Code and Section 3(1) (a) (d) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Seven named accused persons including the appellants are said to have descended at the field of the informant and slating in the name of her caste assaulted her by means of legs and fists and pulled her saree and tore her blouse. Appellant Geeta Devi is said to have snatched her golden chain.

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, Title Suit No.575 of 2008 is pending between the appellants and his pattidars and despite injunction order passed in the said case, one of his pattidar sold out the property to the informant and in order to mount pressure upon the appellants, the informant has filed this false and frivolous case against them. A proceeding under Section 144 Cr.P.C. initiated at the instance of the informant against the appellants has also been dropped. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. The slating of the



informant is not said to have been made in the specific name of caste of the informant. There is inordinate delay of four 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 (SC/ST Act), East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 138 of 2017.

Accordingly, the impugned order is set aside and this appeal is allowed.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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