

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3577 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. RAMU YADAV Son of Dinbandhu Yadav @ Dinanath Raut Resident of Village-Pararia, P.S.-Shikarpur, District-West Champaran.
 2. Premlata Devi Wife of Ramu Yadav Resident of Village-Pararia, P.S.-Shikarpur, District-West Champaran.
 3. Mamta Kumari Daughter of Ramu Yadav Resident of Village-Pararia, P.S.-Shikarpur, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey
For the Informant	:	Mr. Pramod Kumar Thakur
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-09-2019 Heard learned counsel for the appellants, learned counsel for the informant 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 16.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST & POCSO Act, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 56 of 2018 (Tr. No.15/2019) registered under Sections



447, 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On protest over flowing of water from the hand-pump of appellant-Ramu Yadav in the house of the informant, all the three appellants intruded into the house of the informant, slated him in the name of caste and assaulted him and when his daughter made protest they also assaulted her resultantly part of his attire was torn. Thereafter, all the accused persons left the scene damaging the Tat of his house.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellants have been falsely implicated in the case over petty dispute of flowing water from the hand-pump of the appellant - Ramu Yadav in the house of the informant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant is said to have been made inside the house of the informant and not in public place, hence no offence under Section SC/ST Act is made out against the appellants. None has sustained injury in the occurrence. There is abnormal and inordinate delay of 11 days in lodging the F.I.R. without assigning any



plausible explanation for the said delay. Appellants have no criminal antecedent.

Learned counsel for the informant and 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 & POCSO Act, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 56 of 2018 (Tr. No.15/2019), 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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