

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3877 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- SC/ST District- Araria

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1. Gopal Sharma Son of Satto Sharma Resident of Village - Barbanna, P.S.- Raniganj, Distt - Araria.
 2. Sanjay Sah @ Sanjay Kumar Son of Badri Sah Resident of Village - Barbanna, P.S.- Raniganj, Distt - Araria.
 3. Vikki Datta @ Subrojit Datta Son of Topan Datta Resident of Village - Hasanpur, P.S.- Raniganj, Distt - Araria.
 4. Ranjeet Datta @ Ranjeet Kumar Datta Son of Bisho Datta Resident of Village - Hasanpur, P.S.- Raniganj, Distt - Araria.
 5. Munki Datta @ Indra Jeet Datta Son of Topal Datta Resident of Village - Hasanpur, P.S.- Raniganj, Distt - Araria.
 6. Topan Datta @ Tapan Datta Son of Badal Datta Resident of Village - Hasanpur, P.S.- Raniganj, Distt - Araria.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhijeet Gautam
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-11-2019 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 30.07.2019 passed by learned 1st Additional



Sessions Judge cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 31 of 2017 registered under Sections 323, 354 B & 384 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at the house of appellant Sanjay Sah along with his wife other appellants were present there and on the exhortation of appellant Ranjeet Datta other appellants obtained his LTI on the blank paper and slated in the name of caste and on protest made by his wife they assaulted her and tore her attire.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. Informant wants to grab the bamboo clamp of the appellants regarding which the case was pending before the Gram Kutchery and Amin after making enquiry found only 8 decimals land of the informant. However, the matter was settled before the Gram Kutchery by way of compromise but in order to mount pressure upon the appellants to grab their land, the informant has lodged this false and frivolous case against them. They have also made appellant Gopal Sharma who happens to



be Sarpanch and appellant Sanjay Sah representative of the said Sarpanch accused in the case out of the said grudge. None has sustained injury in the occurrence. Slating the informant is said to have been made at the house of appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of 14 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. 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, Araria in connection with Araria SC/ST P.S. Case No. 31 of 2017, corresponding to Special (SC/ST) Case No.158 of 2017, 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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