

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3967 of 2019

Arising Out of PS. Case No.-35 Year-2016 Thana- TARAIIYA District- Saran

-
1. SUJIT RAY S/o Manoj Ray R/O Village- Rahimpur Yadav, P.S.- Marhaura, District- Saran.
 2. Pappu Ray S/O Hira Ray R/O Village- Rahimpur Yadav, P.S.- Marhaura, District- Saran.
 3. Hira Ray S/O Late Lotan Ray R/O Village- Rahimpur Yadav, P.S.- Marhaura, District- Saran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Chandra Gandhi
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-09-2019 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 17.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Taraiya P.S. Case No. 35 of 2016 registered under Sections 341, 323, 354, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

While the minor daughter of the informant was grazing the she-buffalo, the Sujit Rai and Pappu Rai along with one named accused misbehaved with her, slated and assaulted her by means of fists and bat and tore her attire and when the informant along with the witnesses arrived at the house of the aforesaid appellants to make complain with the appellant no.3, he got infuriated and assaulted them by means of leg and fists and co-accused Sampat Rai catching her hair dragged her. All the accused persons slated her in the name of caste and made to leave their house extending threatening of dire consequences.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. As a matter of fact, the victim was grazing her she-buffalo in the fields of the appellants and on protest made by them the informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is inordinate and abnormal delay of 24 days in filing the complaint petition without assigning any plausible and convincing reason 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 SC/ST Act, Saran at Chapra in connection with Taraiya P.S. Case No. 35 of 2016, 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)

Trivedi/-

U		T	
---	--	---	--

