

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4128 of 2019

Arising Out of PS. Case No.-29 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. ANIL KUMAR @ ANIL GUPTA Son of Late Lalu Gupta Resident of Village - Tikuliya Chowk, Chanpatia, P.S.- Chanpatia, Distt - West Champaran.
 2. Bipin Bihari @ Bipin Bihari Prasad Son of Late Chunnu Prasad Resident of Village - Tikuliya Chowk, Chanpatia, P.S.- Chanpatia, Distt - West Champaran.
 3. Kishori Giri Son of Late Badri Giri Resident of Village - Tikuliya Chowk, Chanpatia, P.S.- Chanpatia, Distt - West Champaran.
 4. Dharmendra Giri Son of Sri Kishori Giri Resident of Village - Tikuliya Chowk, Chanpatia, P.S.- Chanpatia, Distt - West Champaran.
 5. Jitendra Giri Son of Sri Kishori Giri Resident of Village - Tikuliya Chowk, Chanpatia, P.S.- Chanpatia, Distt - West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 30-09-2019

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
08.08.2019 passed by learned 1st Additional Sessions



Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 29 of 2018 registered under Sections 447, 341, 323, 354, 379 & 504/34 of the Indian Penal Code and Section 3(1) (r) (w) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants arriving at the house of the informant in the night made search of her husband to assault over old land dispute. They dragging the informant out of the house slated her in the name of caste and assaulted her by means of lathi. Appellant no.2 Bipin Bihari tore her attire and when her son rushed in her rescue they also made him injured by assaulting with lathi. They also damaged her tiles of the house.

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 and lodging of the Chanpatia P.S. Case No.244 of 2018 against the son of the informant by the appellant Anil Kumar preceding to the case under hand. On the complaint



made by wife of appellant Kishori Giri a proceeding under Section 144 Cr.P.C. has been initiated against the informant. None has sustained injury in the occurrence and the learned lower Court has also not mentioned about any injury of the victim after perusal of the case diary. There is inordinate and abnormal delay of 17 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. 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, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 29/2018, 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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