

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4278 of 2019

Arising Out of PS. Case No.-73 Year-2017 Thana- INARWA District- West Champaran

1. BRAJBHUSHAN PRASAD @ BRIJBHUSHAN PRASAD S/O Late Jagarnath Prasad R/o Village- Kesariya, P.S.- Shikarpur, District- West Champaran.
2. Chandrabhushan Prasad S/o Late Jagarnath Prasad R/o Village- Kesariya, P.S.- Shikarpur, District- West Champaran.
3. Jitendra Prasad S/O Brajbhushan Prasad @ Brijbhushan Prasad R/o Village- Kesariya, P.S.- Shikarpur, District- West Champaran.
4. Laddu Prasad S/O Chandrabhushan Prasad R/o Village- Kesariya, P.S.- Shikarpur, District- West Champaran.
5. Balister Singh Son of Harendra Singh Resident of Village- Parsauni, P.S.- Inarwa, District-West Champaran.
6. Dharmnath Sah Son of Sinhasan Sah Resident of Village- Parsauni, P.S.- Inarwa, District-West Champaran.
7. Jitendra Giri Son of Gopal Giri Resident of Village- Parsauni, P.S.- Inarwa, District-West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-10-2019 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 27.8.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bettiah in connection with Inarwa P.S. Case No. 73 of 2017 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and also Under Section 3, 4 of Prevention of Witch Raft Practices Act.

When the informant was regressing to his house after cutting grass, appellants intercepted her and slating her in the name of caste, tore her attire and dragged holding her hair and also assaulted her by means of slaps and fists and dubbed her as daain.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, staff of appellant no.2 has lodged a case against husband of the informant preceding to the case under hand in which the appellant no.2 is the witness of the case and due to the aforesaid grudge the informant has lodged this false and frivolous case against them. The prosecution party is in habit of lodging false case against the appellants in which police has submitted final form. Informant has not sustained injury in the occurrence. The allegation levelled against the



appellants is not specific rather general and omnibus in nature. There is delay of two days in lodging the F.I.R. without assigning any plausible explanation for the said delay.

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, Bettiah in connection with Inarwa P.S. Case No. 73 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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