

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4858 of 2019

Arising Out of PS. Case No.-175 Year-2013 Thana- RAMNAGAR District- West Champaran

1. PRAMOD SINGH @ PRAMOD KUMAR SINGH Son of Late Shatrughan Singh Resident of Village - Katsikari, P.S.- Ramnagar, District - West Champaran
2. Nand Kishore Singh Son of Kusheshwar Singh Resident of Village - Katsikari, P.S.- Ramnagar, District - West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manindra Kishore Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 15-11-2019 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 21.10.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 175 of 2013 (Tr. No.215 of 2018) registered under Sections 341, 323, 504 of the Indian Penal Code and Section



3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with co-accused are said to have slated the informant and her husband in the name of caste and assaulted them by means of lathi. Appellant Pramod Singh also tried to outrage her modesty on her refusal to plant seedling in their field.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, there was some dispute between the informant and co-accused Sachin Singh over fishing crab in the ditch and appellants have been made accused merely because they happen to be agnates of said Sachin Singh. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has sustained simple injury while husband of the informant has not sustained any injury in the occurrence. Police has submitted final form against the appellants. There is delay of two days in lodging the case 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/POCSO Act), Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 175 of 2013 (Tr. No.215 of 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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