

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.15 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- DELHA District- Gaya

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1. RAMASHANKAR PRAJAPAT @ RAMSHANKAR PRAJAPAT @ RAMSHANKAR PRASAD S/o Baiju Prajapat Resident of Mohalla-Bairagi, Near Bageshwari Gumti, P.S.- Delha, District- Gaya.
 2. Anita Devi W/o Ramshankar Prajapat @ Ramshankar Prasad Resident of Mohalla- Bairagi, Near Bageshwari Gumti, P.S.- Delha, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravindra Kumar Sinha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Delha P.S. Case No. 312 of 2019 registered for the offences under Section 406/34 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (Prevention of Atrocities) Act.

Prosecution case in short is that on 16-11-2019, the informant went to the house of Ramashankar Prajapat and his



wife Anita Devi demanded Rs. 20,000/- which she allegedly lent to her. It is further alleged that the appellants did not return her money rather abused her by uttering caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellant Nos. 1 & 2 are husband and wife each other. The appellants have been made accused in this case due to previous enmity. The allegation, made in the FIR is denied by the appellants. The appellant No. 2 is a lady. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 27-11-2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Delha P.S. Case No. 312 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below



within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Gaya in connection with Delha P.S. Case No. 312 of 2019.

(Sudhir Singh, J)

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