

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.14 of 2020

Arising Out of PS. Case No.-108 Year-2018 Thana- SC/ST District- East Champaran

1. MADAN PRASAD YADAV @ MADAN RAUT.
2. Prabhu Prasad Yadav both Son of Late Soha Raut Resident of Village - Chainpur, P.S. - Adapur, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dilip Kumar Tondon
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-10-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

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 12.12.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST POA Act), East Champaran, Motihari in connection with SC/ST P.S. Case No. 108 of 2018 registered under Sections 341, 323, 354(A), 379, 504, 506/34 of the Indian Penal Code, Sections 3(1) (r)(s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act and Section 3/4 of the Dayan Act.

The prosecution case is that on 02.08.2018, informant gave a written report alleging therein that on 25.09.2018 named accused persons assaulted the informant and abused her by calling caste name and took away ornaments of Rs. 75,000/- and Rs. 8,000/- case from her house approximately.

It is submitted by learned counsel for the appellants that the occurrence took place on 25.09.2018 but FIR was lodged on 02.08.2018 after delay of more than seven days and there is no explanation for the said delay. He submits that place of occurrence is house of the informant and not a public place, hence provisions of SC/ST Act is not made out against the appellants.

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.25,000/- (Rupees Twenty Five 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



(POA) Act, East Champaran in connection with SC/ST P.S.
Case No.108 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.

(Anjani Kumar Sharan, J)

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