

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.327 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. RANDHIR KUMAR RAI Son of Ramchandra Rai Resident of Village - Bathua Bujurg, Tola- Sihma, P.S. - Musarigharari, District - Samastipur.
 2. Ram Chandra Rai son of Vindehwari Rai Resident of Village - Bathua Bujurg, Tola- Sihma, P.S. - Musarigharari, District - Samastipur.
 3. Sudhir Rai @ Sudhir Kumar Rai Son of Ram Chandra Rai Resident of Village - Bathua Bujurg, Tola- Sihma, P.S. - Musarigharari, District - Samastipur.
 4. Rubi Devi @ Rubi Kumari Wife of Sudhir Rai @ Sudhir Kumar Rai Resident of Village - Bathua Bujurg, Tola- Sihma, P.S. - Musarigharari, District - Samastipur.
 5. Janki Devi Wife of Ram Chandra Rai Resident of Village - Bathua Bujurg, Tola- Sihma, P.S. - Musarigharari, District - Samastipur.

... .. Appellants.

Versus

1. The State of Bihar.
2. Vibha Devi W/o Rajesh Ram Resident of Village - Barbatta, P.S. - Musarigharari, Distt. - Samastipur.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate.
For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-12-2020 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 17.12.2019 passed by learned 1st Additional Sessions Judge, Samastipur in connection with Complaint Case No. 166 of 2019 registered under Sections 147, 323, 447, 379 & 354B of the Indian Penal Code and Section 3(1) (r) (s) (w), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the accused persons are said to have entered into the house of the complainant and searched complainant's husband. They assaulted her and slated her in her caste name. Appellant no.1 assaulted her by means of lathi on the head of the informant. Appellant no.2 assaulted on her abdomen and appellant no.3 has taken Rs.2000/-. They also threatened the complainant to withdraw the case lodged by her husband.

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 previous dispute and enmity. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the complainant in the name of caste is said to have been made at the house of the complainant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Complainant has not sustained any



injury. The learned lower Court has also not mentioned any injury in the impugned order.

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 Addl. Sessions Judge, Samastipur in connection with Complaint Case No.166 of 2019, 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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