

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.329 of 2020**

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

PARAMESHVAR PRASAD @ PRAMESHVAR PRASAD @
RAMESHVAR PRASAD Son of Late - Jagarnath Prasad Resident of Village -
Kesariya, P.S. - Shikarpur, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Anis Akhtar, Advocate.

For the Respondent/s : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-12-2020 Heard learned counsel for the appellant 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 20.12.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST/POCSO Act), West
Champaran at 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, Section 3(1) (x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act and



Section 3/4 of the Prevention of Witch Act.

When the informant was regressing to his house after cutting grass, appellant along with other accused persons 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 appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics and previous enmity. The prosecution party is in habit of lodging false case against the appellant in which police has submitted final form. Informant has not sustained injury in the occurrence. The allegation levelled against the appellant 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. Appellant has no criminal antecedent. Similarly situated co-accused has granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.10.2019 passed in Cr. Appeal (SJ) No.4278 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, West Champaran at 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.

(Anjani Kumar Sharan, J)

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