

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.364 of 2020

Arising Out of PS. Case No.-64 Year-2019 Thana- SC/ST District- Sitamarhi

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1. VINOD SAH Son of Bhutti Sah Resident of Village - Bhairwara, P.S.- Runnisaipur, dist.- Sitamarhi.
 2. Satrugan Sah @ Shatrudhan sah @ Shatrudhan Kumar Son of Vinod Sah Resident of Village - Bhairwara, P.S.- Runnisaipur, Dist.- Sitamarhi.
 3. Shivjee Sah @ Shrivjee Sah Son of Vinod Sah Resident of Village - Bhairwara, P.S.- Runnisaipur, Dist.- Sitamarhi.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok
For the Respondent/s : Mrs. Usha Kumari 1

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 cum Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 64 of 2019 registered under Sections 341, 323, 447, 504 & 506/34 of the



Indian Penal Code and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sitting at his door, all the appellants are said to have reached there assaulted him and slated in the name of caste on demanding the money earlier given by him. Appellant no.2 wrapped gamcha in his neck with an intention to kill him. When his brother and one villager rushed in his rescue they escaped from the place of occurrence.

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 dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. The learned lower Court has also not mentioned any injury in the impugned order. There is inordinate delay of more than 14 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case.

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 cum Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No.64 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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