

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1704 of 2020

Arising Out of PS. Case No.-341 Year-2019 Thana- JOGAPATTI District- West Champaran

1. Sabita Kumari @ Sabita Devi, D/o-Budhram Mukhiya.
2. Bharosh Mukhiya, son of Budhram Mukhiya.
Both resident of village Harpurwa, P.S. Yogapatti, District West Champaran.
... .. Appellants.

Versus

The State of Bihar. Respondent.

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar
For the Respondent/s : Mrs. Usha Kumari No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2020 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 07.12.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), West
Champaran at Bettiah in connection with Yogapatti P.S. Case
No. 341 of 2019 registered under Sections 447, 341, 323, 324,
325, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

While the informant was sitting at his darwaza,



the informant's neighbour Budhram Mukhiya came and started abusing him in connection with theft of a mobile phone. When the informant forbade him from abusing, the accused persons, namely, Budhram Mukhiya, Bharosh Mukhiya, Ramnath Mukhiya, Sabita Kumari and Pankali Devi started assaulting the informant. Budhram Mukhiya and Bharsoh Mukhiya assaulted the informant by means of rod over his forehead and nose. Ramnath Mukhiya assaulted the younger son of the informant fracturing his hand. When the informant's son Pawan came to their rescue, Sabita Kumari and Pankali Devi assaulted him by fists and slaps. When the nearby people came they pacified the matter. The injured were taken to hospital for treatment.

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. Informant has not sustained any serious injury in the occurrence. There is a counter version of the alleged occurrence bearing Yogapatti P.S. Case No.342/2019 registered by the appellants' side against the present informant and others. It is further submitted that the allegations do not constitute any



offence within the meaning of any provision of SC & ST (POA) Act. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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 Act), West Champaran at Bettiah in connection with Yogapatti P.S. Case No.341 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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