

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1754 of 2020

Arising Out of PS. Case No.-29 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

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1. RAMANAND SAH S/o Late Sita Ram Sah Resident of Village- Bagahi Baghambarpur, P.S.- Srinagar, District- West Champaran.
 2. Raj Kumar Sah @ Raj Kumar Soni S/o Ramanand Sah Resident of Village- Bagahi Baghambarpur, P.S.- Srinagar, District- West Champaran.
 3. Pradeep Kumar S/o Ramanand Sah Resident of Village- Bagahi Baghambarpur, P.S.- Srinagar, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Vinay Krishna

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the appellants and Sri Vinay Krishna, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail vide order dated 06.03.2020, passed by the learned Additional District and Sessions Judge 1st-cum-Special



Judge (ST/SC/ POCSO) Act, Bettiah (West Champaran) in anticipatory bail petition no. 212 of 2020, arising out of SC/ST Bettiah PS case no. 29 of 2019 under Sections 341, 323, 504, 506/34 of Indian Penal Code and 3(i)(r)/(ii)(v-a) of SC/ST(POA) Act.

At the outset, the learned counsel for the appellants seeks to withdraw the present petition *qua* the appellant no. 1 in order to enable him to surrender before the learned court below and seek regular bail.

Accordingly, the present petition stands disposed off as withdrawn *qua* the appellant no. 1 with liberty to him to surrender before the learned court below and seek regular bail and in case, the appellant no. 1 surrenders before the learned court below within a period of four weeks from today and prays for regular bail, the lower court below shall consider the prayer of the petitioner for grant of regular bail and dispose off of his petition on merits on the very same day.

Now, coming back to the merits of the case, the informant is stated to have gone to the house of the appellant no. 1 on the alleged date and time of occurrence for asking for his outstanding fare, however the accused persons including the appellants herein had abused him as also had entered into a scuffle with him and as far as the appellant no. 1 is



concerned, he had abused the informant by taking his caste name.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the appellants has further submitted that as far as the appellants no. 2 and 3 are concerned, a general and omnibus allegation has been levelled against them and moreover, they are not alleged to have abused the informant by taking his caste name, hence the provisions of SC/ST (POA) Act, 1989 are not attracted in the present case.

Per contra, the learned Spl.PP for the State vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the appellants no. 2 and 3 are not alleged to have abused the informant by taking his caste name and moreover, a general and omnibus allegation of assault has been levelled against them, this Court finds that *prima facie*, no case is made out under the provisions of SC/ST (POA) Act, 1989 as also *prima facie*, no offence is made out against the appellants no. 2 and 3, as alleged



by the informant, hence I deem it fit and proper to admit the appellants no. 2 and 3 to the privilege of anticipatory bail. Accordingly, let the appellants no. 2 and 3, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO) Bettiah, West Champaran in connection with SC/ST Bettiah PS case no. 29 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 06.03.2020, passed by the court of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO) Bettiah, West Champaran in connection with SC/ST Bettiah PS case no. 29 of 2019 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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