

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1753 of 2020**

Arising Out of PS. Case No.-53 Year-2017 Thana- SC/ST BETTIAH District- West  
Champaran

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1. RAJU DUBEY @ RAJU KUMAR DUBEY S/o Late Prabhu Nath Dubey Resident of Village- Siswa Bahuarawa, Police Station- Shikarpur, District- West Champaran.
  2. Babujan Mian S/o Late Serajul Mian Resident of Village- Siswa Bahuarawa, Police Station- Shikarpur, District- West Champaran.
  3. Brijesh Paswan S/o Late Prasad Paswan Resident of Village- Siswa Bahuarawa, Police Station- Shikarpur, District- West Champaran.
  4. Hridesh Paswan S/o Ramesh Paswan Resident of Village- Siswa Bahuarawa, Police Station- Shikarpur, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Saroj Kumar Sharma

For the Respondent/s : Mr.Vinay Krishna

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

2      25-11-2020                      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 appellant 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 18.11.2019, passed by the learned Additional District and Sessions Judge 1<sup>st</sup>-cum-Special



Judge (ST/SC/ POCSO) Act, Bettiah (West Champaran) in anticipatory bail petition no. 2609 of 2019, arising out of Bettiah Sadar SC/ST PS case no. 53 of 2017 under Sections 341, 323, 324, 379, 504/34 of Indian Penal Code and 3(i)(r)(ii)(v-a) of SC/ST Act.

The appellants are stated to have had an altercation with the informant relating to payment of the fair for the vehicle hired by them from the informant and when the informant had gone to the house of appellant no. 1 for taking money, the accused persons including the appellants herein refused to pay the money and instead, had abused him by telling him that he is a low caste person, hence has got no right to demand money. It has also been alleged that the co-accused persons had also assaulted the informant.

It is submitted by the learned counsel for the appellants that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a general and omnibus allegation has been levelled by the informant against the appellants and infact, no case is made out under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted that the informant has sustained no



injuries.

*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 allegation levelled against the appellants herein in the FIR do not *prima facie* constitute any offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and moreover, the appellants are having clean antecedent and a general and omnibus allegation of assault has been levelled against them, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants, 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 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO) Bettiah, West Champaran in connection with Bettiah Sadar SC/ST PS case no. 53 of 2017, subject to the conditions as laid



down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 18.11.2019 passed by the court of learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO) Bettiah, West Champaran in connection with Bettiah Sadar SC/ST PS case no. 53 of 2017 is hereby set aside. The appeal stands allowed.

**(Mohit Kumar Shah, J)**

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