

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4392 of 2019**

Arising Out of PS. Case No.-45 Year-2018 Thana- SC/ST BETTIAH District- West  
Champaran

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1. VIJAY GIRI @ VIJAY KUMAR GIRI, aged about 36 years, Male, Son of Shivji Giri, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran
  2. Pramod Giri, aged about 36 years, Male, Son of Deonarayan Giri, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran
  3. Vinod Giri, aged about 29 years, Male, S/o Deonarayan Giri, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran
  4. Srikant Giri, aged about 43 years, Male, S/o Chandan Giri, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran
  5. Jyotish Giri @ Jyotish Kumar Giri, aged about 24 years, Male, Son of Shivji Giri, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran
  6. Shyamji Giri @ Shyam Kumar Giri, aged about 26 years, Male, Son of Ramdhani Giri, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran
  7. Rajan Mahto @ Rajan Kumar Mahto, aged about 22 years, Male, Son of Ramnath Mahto, Resident of Village - Purainiya Harsani, P.S.- Shikarpur, Dist.- West Champaran

... Appellants

Versus

The State of Bihar

... Respondent

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**Appearance :**

For the Appellants : Mr. Bimlesh Kumar Pandey, Adv.  
For the Respondent : Mr. Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

3      06-01-2020                      Heard the learned counsel for the appellants and the learned Additional Public Prosecutor.

This criminal appeal is directed against the order, dated 22.08.2019, passed in ABP No. 1990 of 2019, in connection with Bettiah Sadar SC/ST P.S. Case No. 45 of 2018 registered under Sections 447, 341, 323, 504, 147 and 149 of the Indian Penal Code and 3(1)(r)(g)(ii)(va) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellants was refused.

The accusation is that all the seven appellants came in the morning of 11.09.2018 at the door of the informant, Savitri Devi, and started to abuse saying to vacate the Government land captured by her and they also dragged her at some distance in which her clothes were unfolded. At that time, all abused denoting her caste name dusadh.

Submission is that in fact the Government land situated in village in front of the land of the appellants was being grabbed by the informant, then, the appellants made protest due to that reason the informant lodged the present case. More over, it would appear from the first information report that none was present where the informant is said to be abused by the appellants, as such, the provision of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, will not be applicable.

Having regard to the facts and circumstances of the case, the impugned order, dated 22.08.2019, passed in ABP No. 1990 of 2019, is set aside the appeal is allowed.

Let the appellants, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Bettiah Sadar SC/ST P.S. Case No. 45 of 2018 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge I-cum-Special Judge, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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