

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1109 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- PIPRAKOTHI District- East Champaran

1. INDRAJEET KUMAR VIMAL S/o Late Ramdeo Prasad R/o village-Goushnagar, P.S.- Kenar, Distt.- Nalanda, Bihar- 811101
2. ALOK KISHORE TIWARI S/o Krishna Kishore Tiwari @ Lal Babu Tiwari R/o village- Bakarpur, P.S.- Kalyanpur, Distt.- East Champaran, Bihar- 845413

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Dhananjay Kumar
For the Respondent/s	:	Ms. Usha Kumari, Spl. P.P. Mr. Kundan Rathore, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-11-2021 Heard learned counsel for the appellants as well as learned Spl.P.P. for the State assisted by learned counsel for the informant.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 8.12.2020 passed by the learned 1st ADJ-cum-Spl. Judge, SC/ST Act, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 331 of 2020, registered for the offences punishable under Sections 337, 338, 341, 323, 379, 504 and 34 of the Indian Penal



Code & Section 3(i)(r)(s) of SC and ST (Prevention of Atrocities) Act, 1989 whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, when the informant was coming from Piprakothi by a motorcycle the appellants dashed him by their car. The informant sustained injuries. The appellant also took away rupees 5000/- cash and a mobile from his possession and also abused the informant by calling his caste name.

Learned counsel for the appellants has submitted that the informant is working as a labour in Mother Diary, Piprakothi and the appellants are administrator of that Mother Diary. He has further submitted that the services of the informant was not satisfactory as such, he was terminated at the behest of the appellants. In this respect, a xerox copy of the termination letter has been annexed as page-19 of the record.

On the other hand, learned Spl.P.P. assisted by the learned counsel for the informant has submitted that the accused persons dashed the informant by their vehicle and also abused the informant by his caste name, as such the provisions of SC/ST (Prevention of Atrocities) Act is clearly attracted in this case.

Learned counsel for the appellants has also submitted that the FIR has been lodged after 25 days of the alleged occurrence. It transpires that the informant was terminated as his services were not satisfactory and appellants were instrumental in this termination. As



such, it does not appear *prima facie* that the cause of occurrence is malicious feeling of caste.

In these circumstances, the appeal is allowed and the impugned order dated 8.12.2020 passed by the learned 1st ADJ-cum-Spl. Judge, SC/ST Act, East Champaran at Motihari is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st ADJ-cum-Spl. Judge, SC/ST Act, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 331 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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