

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1675 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- SC/ST BETTIAH District- West
Champaran

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1. Satranjan Patel, aged about 40 years, Gender-Male, Son of Ram Chandra Patel
 2. Hridya Patel @ Hirdaya Patel, aged about 35 years, Gender-Male, Son of Munsii Patel
 3. Dinanath Patel, aged about 45 years, Gender-Male, Son of Munsii Patel
 4. Sanjay Patel, aged about 35 years, Gender-Male, Son of Ramchandra Patel
 5. Ramchandra Patel, aged about 70 years, Gender-Male, Son of Munsii Patel

All Resident of Village- Bakulahar, P.S. - Gopalpur, District - West
Champaran (Bettiah).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Veerendra Narayan, Advocate
For the State : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-09-2021

The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the appellants, which was allowed.

2. Heard Mr. Kumar Veerendra Narayan, learned counsel for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor (hereinafter referred to as the ‘Special PP’) for the State.

3. The present appeal is directed against the order dated 01.10.2020 passed by the learned Additional District and



Sessions Judge 1st-cum- Special Judge (SC/ST), Bettiah, West Champaran in ABP No. 1592 of 2020 by which the prayer for anticipatory bail of the appellants has been rejected.

4. The appellants apprehend arrest in connection with SC/ST Bettiah PS Case No. 21 of 2020 dated 12.08.2020, instituted under Sections 341/342/323/379//504/506/34 of the Indian Penal Code and 3(1)(r)(s)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act').

5. As per the FIR, the son of the informant had gone to get ration from the PDS shop of the mother of the appellants and as less quantity was given, when he objected, he was abused and sent away and was asked to come the next day and when the son of the informant went there, the appellants and others had tied him to a tractor and assaulted with *lathi*, fists and slaps and a gold chain was also snatched.

6. Learned counsel for the appellants submitted that the incident is of 10.08.2020, but the present FIR has been lodged only on 12.08.2020 for which there is no explanation. It was further submitted that the mother of the appellants had filed Gopalpur PS Case No. 141 of 2020 on 10.08.2020 for the same incident in which it is alleged that the two sons of the informant



had come to her PDS shop and had demanded more ration than was allowed and on refusal had engaged in scuffle and had threatened that the appellants would be implicated falsely under the SC/ST Act and while going had hit the container of food-grains and had also taken away money from the shop. Further, learned counsel submitted that the appellant no. 4 had also filed Gopalpur PS Case No. 140 of 2020 for an incident on 10.08.2020 under Sections 341/323/387/504/506/34 of the Indian Penal Code in which it has been alleged that two sons of the informant had come to his shop and had demanded extortion and had also fired from country-made pistol and on hearing noise the villagers had come and had caught the two sons of the informant along with the motorcycle and they were handed over to the police. It was submitted that in the present FIR in which the incident is said to have taken place on 10.08.2020, the informant has not stated that his two sons were arrested in connection with Gopalpur PS Case No. 140 of 2020. Learned counsel submitted that the present case is patently false and only by way of cosmetic addition, certain allegations have been made so as to bring the case within the purview of the SC/ST Act, but the same are also not made out. Learned counsel submitted that the appellants have no other criminal antecedent.



7. Learned Special PP submitted that the appellants have abused the informant side and had also assaulted his sons. However, it was not controverted that there is no explanation for the delay in lodging of the FIR.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and having regard to the fact that the FIR has been lodged after two days and prior to that for the same incident, there are two other cases filed by the mother of the appellants and appellant no. 4 and two sons of the informant have also been arrested, which has not been even whispered in the present FIR, and the appellants having no other criminal antecedent, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the appellants be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge (SC/ST) Act, Bettiah, West Champaran in SC/ST Bettiah PS Case No. 21 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the



bailors shall be a close relative of the appellants, (ii) that the appellants and the bailors shall execute bond and give undertaking with regard to good behaviour of the appellants, and (iii) that the appellants shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the appellants, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the appellants.

11. Accordingly, the appeal stands allowed. The order dated 01.10.2020 passed by the learned Additional District and Sessions Judge 1st-cum- Special Judge (SC/ST), Bettiah, West Champaran in ABP No. 1592 of 2020 is set aside.

(Ahsanuddin Amanullah, J)

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