

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.664 of 2020**

Arising Out of PS. Case No.-2 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

=====

NAVEEN KUMAR RAI @ NIPU KUMAR RAI @ NIPU RAI Son of Raj
Kishor Rai, Resident of Village-Chanaki Chamua (Ward No.14), P.S.-
Shikarpur, District-West Champaran, Bettiah.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Anshuman Singh, Adv.
Mr. Madhav Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 05-03-2021 Heard learned counsel for the appellant and learned
Special P.P.

The appellant filed this appeal under Section 14A(2)
of the SC/ST Act against the order dated 21.12.2019 passed in
A.B.P. No.1713 of 2019 by which the learned Special Judge,
SC/ST Act, West Champaran at Bettiah rejected the prayer for
grant of anticipatory bail of the appellant in Bettiah SC/ST P.S.
Case No.02 of 2019 registered under Sections 341, 323, 504 and
34 of the I.P.C. and under Section 3(i)(r)(ii)(v-a) of the SC/ST
Act.

The informant, in sum and substance, alleged that
while he was coming with his she-goat after grazing her, the



accused persons including the appellant surrounded him, abused and assaulted by naming his caste.

Learned counsel for the appellant submits that there is a previous enmity between the two sides. Prior to institution of the present case, a case was lodged against the Mukhiya in which the appellant was a witness. It was Mukhiya, who got the case instituted against the appellant. It is further submitted that on the face of it, it appears that she-goat of the informant grazed the sugarcane field of the appellant and when the appellant protested, he lodged the case after 19 days of the occurrence.

Learned Special P.P., however, opposed the prayer for anticipatory bail.

From perusal of the record, it appears that the occurrence took place on 16.12.2018 but the informant gave information to the police on 04.01.2019 i.e. after 19 days of the occurrence. The informant alleged that while he was coming with his she-goat after grazing her, the occurrence took place. On the face of it, it appears that some dispute arose between the two sides for grazing the field.

Taking into consideration the facts aforesaid, the order dated 21.12.2019 is set aside. The appeal is allowed. The appellant above named, in the event of his arrest or surrender



before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum- Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.02 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

