

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.845 of 2020

Arising Out of PS. Case No.-4 Year-2017 Thana- BALIGAON District- Vaishali

1. SHIV KUMAR RAI Son of Ram Sogarath Rai Resident of Village - Imadpur, P.S.- Baligaon, District - Vaishali
2. Ravi Kumar Son of Bhola Rai Resident of Village - Imadpur, P.S.- Baligaon, District - Vaishali
3. Ram Sogarath Rai Son of Late Ram Prasidh Rai Resident of Village - Imadpur, P.S.- Baligaon, District - Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-03-2021 Heard both sides.

The appellants filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 27.11.2019 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in ABP No. 2914/2019 by which the learned Special Judge rejected the prayer for anticipatory bail of the appellants in Baligaon case No. 04/2017 registered under Section 341, 323, 379, 427, 504, 506/34 the IPC and u/s 3(1) (r) (s) of the SC/ST Act and for grant of anticipatory bail.

The informant alleged that he was selling banana. The



accused persons asked not to sell banana in that area. Some altercation took place. When the informant went to complaint, all the accused persons are alleged to have abused and assaulted the informant.

The learned counsel for the appellants submits no occurrence as alleged by the informant took place. The occurrence is alleged to have taken place on 02.02.2017 but the information to the police was given on 05.02.2017 and only thereafter the present case was registered and had there been any incidence, as described by the informant, the informant would have rushed to the police for information. It is further submitted that prior to institution of the present case wife of the informant filed Complaint case No. 567/2014 against the appellants under different Sections of the IPC and SC/ST Act but only offence u/s 323 and 504 of the IPC was found prima facie true.

It appears from the record that prior to institution of the present case the wife of informant lodged complaint case against the appellants. The informant alleged that the occurrence took place on 02.02.2017 but the information was given to police on 05.02.2017 and no satisfactory explanation for such delay is given in the FIR.

Taking into consideration the facts aforesaid I find



that the appellants deserve anticipatory bail. Accordingly, this appeal is allowed and the impugned order dated 27.11.2019 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in ABP No. 2914/2019 is set aside. The appellants, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Baligaon P.S. case No. 04/2017 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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