

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1691 of 2020

Arising Out of PS. Case No.-414 Year-2019 Thana- SUGAULI District- East Champaran

1. INDRASAN PRASAD Son of Late Bindeshwari Prasad
2. Ratnesh Kumar Son of Indrasan Prasad both Resident of Village- Sugauli, P.S.- Sugauli, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Bhardwaj, Adv.

For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-01-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 09.06.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran in connection with Sugauli P.S. Case No. 414 of 2019 registered under Sections 341, 323, 353, 379, 504/34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant is a Booth Level Officer working in the



locality and has stated that he had allegedly gone to the residence of the present appellants in order to verify their Adhar Cards and Voter IDs. It has been alleged by the informant that appellant no. 1 pushed the informant and started abusing him by taking caste name. It is also alleged that appellant no. 2 forcibly took Rs. 2000/- and a golden chain from him and also tore the government documents.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that during the investigation, witnesses have not supported the prosecution story and denied the fact that any oral abuse based on the caste of the informant. He submits that there was only a verbal altercation between the parties wherein informant was equally involved. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of



Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran in connection with Sugauli P.S. Case No. 414 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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