

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.616 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- BAGHA District- West Champaran

1. NIRANJAN KEWAT Son of Shambhu Kewat Resident of Village- Deurawa, P.S.- Bhairoganj, District- West Champaran.
2. Shambhu Kewat Son of Prashidh Kewat Resident of Village- Deurawa, P.S.- Bhairoganj, District- West Champaran.
3. Pataru Kewat Son of Prashidh Kewat Resident of Village- Deurawa, P.S.- Bhairoganj, District- West Champaran.
4. Rameshwar Kewat Son of Late Mukti Kewat Resident of Village- Deurawa, P.S.- Bhairoganj, District- West Champaran.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants	:	Mr. Dhannjay Kumar No.2, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-08-2021 Let the defect no.7, as pointed out by the Stamp Reporter, with regard to filing of the limitation petition to condone the delay in filing the present appeal be ignored.

So far as the other defect(s), as pointed out by the Stamp Reporter, is concerned, as prayed for, through Video Conferencing, let the learned counsel for the appellants remove same, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the appellants, through Video Conferencing, submits that the appellant no.2,



namely, Shambhu Kewat, appellant no.3, namely, Pataru Kewat, and the appellant no.4, namely, Rameshwar Kewat, have already been arrested by the police in this case and, as such, this appeal filed under Section 14-A (2) of the Amendment Act 2015 of Scheduled Castes and Scheduled Tribes Act, 1989, in respect of the appellant no.2, namely, Shambhu Kewat, appellant no.3, namely, Pataru Kewat, and the appellant no.4, namely, Rameshwar Kewat, for granting them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this appeal in respect of the appellant no.2, namely, Shambhu Kewat, appellant no.3, namely, Pataru Kewat, and the appellant no.4, namely, Rameshwar Kewat,

Permission is accorded.

This appeal in respect of the appellant no.2, namely, Shambhu Kewat, appellant no.3, namely, Pataru Kewat, and the appellant no.4, namely, Rameshwar Kewat, is dismissed as withdrawn.

Now, this appeal for granting the privilege of pre-arrest bail to the appellant no.1, namely, Niranjana Kewat, is being considered, through Video Conferencing.

Heard learned counsel for the appellant no.1, namely, Niranjana Kewat, and the learned Additional Public



Prosecutor for the State.

This appeal under Section 14-A (2) of the Amendment Act 2015 of Scheduled Castes and Scheduled Tribes Act, 1989, is directed against the Order/Judgment dated 01.06.2020 passed in A.B.P. No.592 of 2020, whereby and whereunder the 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran, rejected the prayer of the appellant no.1, namely, Niranjana Kewat, for granting him the privilege of pre-arrest bail in connection with Bagaha Bhairaganj P.S. Case No.65 of 2020 registered under Sections 354(A), 323, 341 and 504/34 of the Indian Penal Code besides Section 12 of the POCSO Act and Sections 3(i)(r)(s) of the SC/ST Act.

The prosecution case, in brief, is that the daughter of the informant Jagdish Baitha, aged about 16 years, along with other girls of the village of the informant were returning from the Coaching to their houses. In the way, Pappu Kewat, Niranjana Kewat (appellant no.1) and Ravindra Mahto started to tease them. At that time, they also asked the daughter of the informant and other girls of the village of the informant to provide their mobile numbers. The daughter of the informant, on reaching to her house, informed regarding the incident to the



informant. Thereafter, the informant went at village-Deurawa to make complaint, then Shambhu Kewat, Pataru Kewat and Rameshwat Kewat abused him denoting his caste name and compelled him to move from there. While the Panchayati was to be arranged but the same could not be arranged due to that reason, the informant could not lodge the F.I.R. within time.

Learned counsel for the appellant no1, namely, Niranjana Kewat, submits that due to dirty local politics, the appellant no.1, namely, Niranjana Kewat, has falsely been implicated in this case. Furthermore, on perusal of the F.I.R., it would appear that the only allegation against the appellant no.1, namely, Niranjana Kewat, is that he along with Pappu Kewat and Ravindra Mahto, teased the daughter of the informant and the other girls of the village of the informant, as such, no offence under Sections 3(i)(r)(s) of the SC/ST Act is attracted against the appellant no.1, namely, Niranjana Kewat.

Having considered the facts and the circumstances of the case, the impugned Order/Judgment dated 01.06.2020 in respect of the appellant no.1, namely, Niranjana Kewat, is set aside and this appeal, in respect of the appellant no.1, namely, Niranjana Kewat, is allowed.

Let the appellant no.1, namely, Niranjana Kewat, in the



event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah, in connection with Bagaha Bhairoganj P.S. Case No.65 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this appeal is disposed of.

(Rajendra Kumar Mishra, J)

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