

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2040 of 2018**

Arising Out of PS. Case No.-43 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Abhay Kumar Singh and Ors S/o Naresh Singh.
 2. Ajay Singh, S/o Naresh Singh.
 3. Dhananjay Singh, S/o Naresh Singh, All resident of Village- Prem Bigha, P.S.- Rafiganj, District- Aurangabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Budhan Paswan, s/o Late Narayan Paswan, Distt-Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar No.6
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr.Ashok Kumar Singh Mr.Abhishek Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 30-11-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19-04-2018, passed by learned Special Judge (SC/ST) Act, Aurangabad, in connection with Complaint Case No.43 of 2017, registered under sections 323, 504, 452, 380, 354, 386 of the IPC and sections 3(I) (q) (r) (s) (w) (i) (ii) (4) (i) (2) (i) (2) (5) (i) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that the appellants



entered into the house of the complainant and pressed the neck of his wife and took away Rs.50,000/- and ornaments from a box. Thereafter, they abused the complainant's wife by taking caste name. The complainant was not present in the house.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no such offence as alleged by the complainant. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case due to village politics. There is a land dispute between the parties. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the complainant and not in public view, hence no offence under SC/ST Act is made out against the appellants. The occurrence took place on 11.10.2016 and 15.10.2016 but the complaint has been lodged on 17.04.2017, as such, there is inordinate delay of six months in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. The appellants have no criminal antecedent.



Learned Spl. PP for the State and learned counsel for the Informant have opposed the prayer for bail by submitting that offence is made out against the appellants under the SC/ST Act.

In the facts and circumstance of the case, since there is a delay in filing of the complaint, the above named appellants are enlarged on anticipatory bail.

Accordingly, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, Aurangabad, in connection with Complaint Case No.43 of 2017, 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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