

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3865 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- LAURIA District- West Champaran

1. SANTOSH KUMAR PATEL @ SANTOSH PATEL Son of Late Binod Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
2. Pramod Patel Son of Sri Rajesh Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
3. Baljeet Patel Son of Sri Saheb Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
4. Bunela Patel Son of Sri Madan Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
5. Shyam Patel Son of Sri Amar Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
6. Rabindra Shukla Son of Late Chandradeo Shukla Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
7. Jiut Patel Son of Sri Harmun Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
8. Dabloo Patel Son of Sri Sahdeo Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
9. Raj Kumar Patel Son of Sri Sahdeo Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.
10. Chhema Devi Wife of Harilal Patel Resident of Village- Manguraha, P.S.- Lauriya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma- Advocate
For the Respondent/s : Ms. Usha Kumari 1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Umesh Chandra Verma, the learned
Advocate for the appellants and Ms. Usha Kumari-1, the learned
Special Public Prosecutor for the State.

The appellants have challenged the order dated



12.08.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Lauriya P. S. Case No.114 of 2021, instituted for the offences under Sections 341, 323, 354, 504, 506/ 34 of the Indian Penal Code and Section 3(1) (r)(s)(w) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The informant has alleged that when her daughter had gone to collect memory card from one Chandan Patel, she was surrounded by the accused persons including the appellants and was assaulted by fists and slaps. She was asked not to report the matter to the police as a video had been made of the occurrence and it was threatened that it would be made viral on the social media.

The learned advocate for the appellants has submitted that the accusation in the F.I.R. does not make any sense. If there was no physical misdemeanor with the daughter of the informant and the only allegation is of her having been assaulted and in that background, if a video was made, that would only incriminate the accused persons.

Thus, it appears that the real story is otherwise



but distorted facts have been given in the F.I.R. The appellants have tried to explain it by urging that the daughter of the informant had gone to meet Chandan Patel stealthily. This was objected to by some of the persons of the locality as the couple were engaging themselves in an act which was not socially viewable.

Aggrieved by this, all persons who had objected to their meeting have been made accused in this case.

Otherwise also, it has been submitted that the dispute between the parties has been settled, which fact finds mention in Para-10 of the memo of appeal.

In the above noted background, it has been urged that the offence under the SC/ST (P.O.A.) Act cannot be said to have been made out against the appellants.

Regard being had to the aforesaid submissions, the order dated 12.08.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Lauriya P. S. Case No.114 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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