

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4486 of 2019

Arising Out of PS. Case No.-798 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. SANJAY KUMAR SATYARTHI Son of ramnath Prasad Resident of Village - Baban Dhabahi, Present address Raghunathpur Muhala, P.S.- Turkaulia, O.P. Raghunathpur, Distt - East Champaran.
 2. Subhash Sahni Son of Devendra Sahni Resident of Village - Baban Dhabahi, Present address Raghunathpur Muhala, P.S.- Turkaulia, O.P. Raghunathpur, Distt - East Champaran.
 3. Satyam Kumar Son of Sanjay Kumar Satyarthi Resident of Village - Baban Dhabahi, Present address Raghunathpur Muhala, P.S.- Turkaulia, O.P. Raghunathpur, Distt - East Champaran.
 4. Ramnath Prasad @ Mangal Sahni Son of Late Jaleshwari Sahni Resident of Village - Baban Dhabahi, Present address Raghunathpur Muhala, P.S.- Turkaulia, O.P. Raghunathpur, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashutosh Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Umesh Chandra Verma, Adv.
		Ms.Rashmi Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 15-11-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19-08-2019 passed by learned Additional Sessions Judge-1 cum Special Judge, SC ST, East Champaran, Motihari, in connection with Turkauliya P.S. (O.P. Raghunathpur) Case No.798 of 2018,



registered under sections 341/323/324/307/34 of the IPC read with sections 3(I)(v)(s) of the SC/ST Act.

The prosecution case in brief, is that on the alleged date, all the FIR named accused persons assembled before the informant with arms in their hands and abused the informant along with telling his caste name and gave him a knife blow. It is alleged that they beat him badly with lathi and so the informant sustained injuries upon his body and further alleged to warn him to shift his house elsewhere along with humiliating him by calling him with his caste name.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case. There is a case and counter-case between the parties and the appellants' side had lodged the earlier case against the informant of this case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is not said to have been made in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of eleven days 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. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the Informant have opposed the prayer for anticipatory bail.

In the facts and circumstance of the case, since there is general and omnibus allegations against the appellants, 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 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 Additional Sessions Judge-1 cum Special Judge, SC ST, East Champaran, Motihari, in connection with Turkauliya P.S. (O.P. Raghunathpur) Case No.798 of 2018, 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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