

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4414 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- BAGHA District- West Champaran

1. HIRA BAITHA Son of Jagdeo Baitha Resident of Village - Patkhauli ward no. 03, P.S.- Bagaha (Patkhauli O.P.), District - West Champaran.
2. Chandradeo Baitha Son of Bhadai Baitha Resident of Village - Patkhauli ward no. 03, P.S.- Bagaha (Patkhauli O.P.), District - West Champaran.
3. Baidyanath Baitha @ Baidh Nath Baitha Son of Late Chhathu Baitha Resident of Village - Patkhauli ward no. 03, P.S.- Bagaha (Patkhauli O.P.), District - West Champaran.
4. Santosh Baitha Son of Shri Chandradeo Baitha Resident of Village - Patkhauli ward no. 03, P.S.- Bagaha (Patkhauli O.P.), District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-11-2021

Re: I.A. No.01/2020

I.A. No.01/2020 is filed for condoning the delay of ten days in filing the present appeal.

Considering the reasons mentioned in the I.A. for the delay in filing this appeal, I am inclined to condone the delay.

I.A. No.01/2020 stands allowed and disposed of.

Re: Cr. Appeal (SJ) No.4414 of 2019

Heard learned counsel for the appellants and learned Spl.P.P. 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 for anticipatory bail vide order dated 15-06-2019 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in connection with Bagaha Patkhauri SC/ST P.S. Case No.71 of 2019, registered under sections 147, 148, 149, 341, 323, 504 of the IPC and sections 3(2) (v) (a) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that all the FIR named accused persons including the appellants harvested the sugarcane crops from her Khatiyani land and on protest made by the informant, she was attacked for assaulting but she fled from there. The accused persons took away the sugarcane crops on the tractor.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is an inordinate delay of four days in lodging the case without assigning any plausible explanation for the same 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. It is further submitted that the appellants belong to the SC category, as such, no offence under sections of SC and ST Act is made out against the appellants. Moreover, the other sections of the IPC is bailable in nature. The appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail but fairly submitted that the appellants belong to the SC category.

In the facts and circumstance 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 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 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in connection with Bagaha Patkhauri SC/ST P.S. Case No.71 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)

pallavi/-

U		T	
---	--	---	--

