

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1682 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- SC/ST District- Nawada

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1. RAHUL KUMAR SON OF BIRENDRA PRASAD R/O VILLAGE- SALAIYA, P.S- KAWAKOLE, DIST- NAWADA
 2. SONU KUMAR SON OF SUBODH SINGH R/O VILLAGE- SALAIYA, P.S- KAWAKOLE, DIST- NAWADA
 3. RAJU KUMAR SON OF BIRENDRA SINGH R/O VILLAGE- SALAIYA, P.S- KAWAKOLE, DIST- NAWADA
 4. RAJESH KUMAR @ TUTU SINGH @ DEEPNARAYAN KUMAR SON OF BIRENDRA SINGH R/O VILLAGE- SALAIYA, P.S- KAWAKOLE, DIST- NAWADA

... .. Appellants.

Versus

1. The State of Bihar
2. Shashi Ranjan Kumar Late Shyam Chaudhary Resident of Village- Salaiya, P.S-Kawakole, District-Nawada

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Deepak Kumar
For the State	:	Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

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 of anticipatory bail vide order dated 12.10.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Nawada in connection with Nawada SC/ST P.S. Case No.16/2020 registered under Sections 341/323/504/506/34 of the Indian Penal Code and Section 3(1) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they along with other co-accused abused the informant and his family members in the name of caste at their house.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of about one month in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no



allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances 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 enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Nawada in connection with Nawada SC/ST P.S. Case No.16/2020, 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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