

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.757 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- TEGHRHA District- Begusarai

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1. Sachchida Nand Lall @ Sachita Nand Lal Sah Son Of Late Shiv Nandan Lal Sah Resident Of Village-Banhara, P.S.- Bhagwanpur, District- Begusarai.
 2. Kartik Lal @ Kartik Lal Sah Son Of Late Shiv Nandan Lal Sah Resident Of Village- Banhara, P.S.- Bhagwanpur, District- Begusarai.
 3. Brajesh Kumar Son Of Kartik Lal @ Kartik Lal Sah Resident Of Village-Banhara, P.S.- Bhagwanpur, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rabindra Paswan Late Bhaglu Paswan Resident of Village-Banhara, P.S.- Teghra, District-Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Braj Kishore Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-07-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though the Vakalatnama by the respondent no. 2 has already been filed but nobody appears on his behalf.

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 bail vide order dated 01.02.2022, passed by learned Exclusive Special Judge (SC/ST Act), Begusarai in connection with Teghra P.S. Case No. 40 of 2021, registered under Sections 341, 323, 504, 506 of the IPC and Sections 3 (r)



(S) of SC/ST Act.

Appellants are said to have abused and assaulted the informant by means of lathi and iron causing injury over his head as a result of which the informant fell down.

It is submitted by learned counsel for the appellants that the appellants are innocent and has not committed any offence. He submits that though the occurrence took place on 31.01.2021 but FIR was lodged on 05.02.2021 and there is no explanation of such delay. He submits that no case under SC/ST Act is made out against the appellants. He submits that there is case and counter case between the parties. He further submits that appellants has no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against the appellants and also there is delay in lodging the FIR, let 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 Exclusive Special Judge (SC/ST Act), Begusarai in connection with Teghra P.S.



Case No. 40 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the
appeal is allowed.

(Anjani Kumar Sharan, J)

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