

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1893 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- SC/ST District- East Champaran

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1. BITTU RAI Son of Bhola Rai Resident of Village - Gokhula Tola, P.S.- Chiraiya, Distt.- East Champaran.
 2. Rajesh Rai Son of Bhola Rai Resident of Village - Gokhula Tola, P.S.- Chiraiya, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi sunil Baitha Resident of Village-Mirpur,P.S-Chiraiya,District-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhurendra Kumar, Adv
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 07-07-2022 Heard the counsel for the appellants, counsel for the respondent No.2 and 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) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 11.02.2021, passed by 1st Additional Sessions Judge cum Special Judge S.C./S.T. Act, East Champaran, Motihari in connection with Motihari S.C./S.T. P.S. Case No. 61 of 2020 registered under sections 341, 323, 354, 506, 34 of the Indian Penal Code and 3(1)(r) (s), w(i), 3(2)



(va) S.C./S.T. (POA) Act.

Allegedly, the appellants abused the informant's side by taking caste name while she had gone to see her crops in her field.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. No independent evidence has supported the prosecution case. There is delay of 21 days in lodging the F.I.R. without giving any plausible explanation for the said delay, which creates doubt about the prosecution case. He further submitted that there is an alleged land dispute between the parties as mentioned in annexure-2, sale deed of which is executed in the name of mother of the appellant. The appellants have clean antecedent.

Learned Spl. P.P. for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is an admitted land dispute between the parties and no alleged abuse occurred in public view, let the appellants named above, 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 1st Additional Sessions Judge cum Special Judge, S.C./S.T. Act, East Champaran at Motihari, in connection with Motihari SC/ST P.S. Case No.61 of 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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