

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1062 of 2022**

Arising Out of PS. Case No.-39 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

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1. SATYANARAYAN RAUT S/o Late Laxman Raut Resident of Sabeya, P.S.- Bhangaha, District- West Champaran.
 2. UMRAWATI DEVI @ RAMAWATI DEVI W/o Satyanarayan Raut Resident of Sabeya, P.S.- Bhangaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. MANGNI PASWAN S/o Yogendra Paswan Resident of Sabeya, P.S.- Bhangaha, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 03-11-2022 In spite of service of notice, none appeared on behalf
of O.P. no. 2.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants
against the order dated 24.01.2022 passed by learned Additional
District and Sessions Judge 1st-cum-Special Judge (SC/ST),
Bettiah, West Champaran in ABP No. 52 of 2022 whereby the
prayer for bail of the appellants in connection with Bettiah
SC/ST P.S. Case no. 39 of 2021 under Sections 341, 323, 324,
307, 379, 504, 506/34 of the Indian Penal Code and sections 3(i)



(r)(s)(ii)(va) of SC/ST Act was rejected.

Allegations against the appellants are of abusing by taking the caste name of the informant and assaulting him and his brother by lathi and fatta over a dispute regarding flow of roof water in the courtyard of the informant by the appellants. It is further alleged that accused persons have snatched gold chain of the informant.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. The present case is counter version of Bhangaha P.S. Case No. 61 of 2021 lodged by the appellant no. 2 against the informant. Informant and his brother have sustained simple injuries caused by hard and blunt substance.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 24.01.2022 passed in A.B.P. No. 52 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Bettiah SC/ST P.S. Case No. 39 of 2021 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st-cum-Special Judge (SC/ST), Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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