

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1372 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- PATAHI District- East Champaran

1. RUPAK SINGH @ RUPAK KUMAR Son of Umesh Singh
2. ABHI KUMAR @ MADHU SINGH Son of Shashikant Singh
3. BHOLU SINGH @ BHOLU KUMAR @ RITESH KUMAR Son of Ram Padarath Singh
4. VIJAY KUMAR SINGH @ VIJAY SINGH Son of Ram Sagar Singh
5. DHARNIKANT JHA @ THUKRU JHA son of Late Kant Lal Jha
All Resident of Village - Saraiya Gopal, P.S. - Patahi, District - East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHHOTU BAITHA Son of Vijay Baitha Resident of Nonfarwa, P.S. - Patahi, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.03.2022 in A.B.P. No. 573 of 2022 passed by the learned Special Judge S.C./S.T. Act, East Champaran, Motihari in connection with Patahi P.S. Case No. 204 of 2021 registered under Sections 147, 341, 323, 354(B), 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.



Learned counsel for the appellants submits that appellant no. 1 has antecedent of three cases, appellant no. 2 and 3 has antecedent of one case, appellant no. 4 has antecedent of two cases and appellant no. 5 is a person with clean antecedent.

The informant alleges that he worked as a driver along with Sunil Kumar in the house of one Amit Abhishek @ Laddu Singh and, on 22.10.2021, Laddu Singh had gone to Motihari for some work. Further, the father of Laddu Singh asked the informant, Sunil Kumar and Siyaram Mahto to go to the place of Amit Jha for delivering some paper. It is alleged that the moment the informant along with his friend reached the house of Amit Jha where the accused persons including the appellants eleven in number were present from before. It is alleged that Umesh Chandra Singh addressed the informant by his caste name and ordered to assault on which Madhu Singh assaulted the informant with the butt of a pistol on his head and thereafter all the accused persons started humiliating in various ways. Thereafter, it is alleged that Amit Jha came who was caught by Sanjay Jha @ Mintu Jha and was assaulted by rest of the accused persons. It is alleged that the accused persons thinking that the informant and the injured have died, as such, fled away from the place of occurrence. It is alleged that



thereafter a Panchayati was also done on account of which there was delay in instituting the present FIR.

Learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the present FIR has been instituted by way of afterthought after a delay of ten days without any plausible explanation. It is next submitted that it absolutely does not stand to reason that as to why the accused persons would have assaulted the informant and his friend when they were working with Amit Abhishek @ Laddu Singh and had no grievance with the accused persons. It is next submitted that had the occurrence taken place then definitely an FIR would have been instituted timely but in the present case a Panchayati was done and when the Panchayati did not give the desired result the present false case came to be instituted. It is next submitted that from perusal of the allegation as alleged in the FIR, it would also manifest that prima facie the allegations are general and omnibus in nature and no offences under the SC/ST Act is made out against the appellants.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellants but is not able to meet the submission of the learned counsel for the appellants



that there is delay of ten days in instituting the FIR and prima facie no case under the SC/ST Act is made out against the appellants from bare reading of the allegation.

Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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