

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1414 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- SC/ST District- Sitamarhi

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1. SHAMBHU SAHANI Son of Raghuni Sahani Resident of Village - Bhatauliya, Ward No. 5, P.S. Bargania, District - Sitamarhi.
 2. Pappu Sahani Son of Shambhu Sahani Resident of Village - Bhatauliya, Ward No. 5, P.S. Bargania, District - Sitamarhi.
 3. Bablu Sahani @ Bablu Kumar Sahni Son of Shambhu Sahani Resident of Village - Bhatauliya, Ward No. 5, P.S. Bargania, District - Sitamarhi.
 4. Raju Sahani Son of Shambhu Sahani Resident of Village - Bhatauliya, Ward No. 5, P.S. Bargania, District - Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hans Lal Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Ashok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 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 three 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 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act, 2016) (hereinafter in short referred to as the



‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 16.03.2022, passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST (POA), Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No.45 of 2021, registered under sections 341, 323, 325, 447, 354, 504, 506/34 of the IPC and sections 3(1)(r)(s)(w)(1)(a)/3(2)(va) of the SC/ST Act.

Allegedly, all the FIR named accused persons including the appellants armed variously attacked the informant and assaulted him badly by taking caste name. Thereafter, they indiscriminately assaulted the informant’s side.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is general and omnibus allegation against the appellants. The occurrence is alleged to have taken place on 18.11.2021 and the FIR has been lodged on 07.12.2021 i.e. after delay of more than 19 days, without giving any plausible explanation. This delay in lodging the FIR creates doubt about the prosecution case. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt



act against the appellants to abuse the informant by taking caste name and slating the informant by caste is said to have been done at 10.30 PM in the night. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that there is specific allegation against the appellants that they abused the informant by taking caste name.

Considering the facts and circumstances of the case and the delay in lodging the FIR, 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, are directed to 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 the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No.45 of 2021, 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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