

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1917 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- SC/ST BAGHA District- West Champaran

MUNNA MIYAN @ MOHAMMAD MUNNA Son of Late Lal Babu Miyan  
@ Lal Mohammad Resident of Village - Badipatti Bankatwa, P.S.- Bagaha,  
Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. SIMA DEVI W/o Sukhal Paswan Resident of Village - Badi Patti,  
Bankatwa, P.s.- Bagaha, Distt.- West Champaran.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Vijay Kr Singh No. 1  
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

- 3      21-12-2022                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State assisted by learned  
counsel for the respondent no.2.

This is an appeal under Section 14(a)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 28.03.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Bagaha SC & ST P.S. Case No. 28/2021 registered under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)(w)(1)3 (2) (v-4)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The occurrence took place on 28.09.2021 but FIR lodged on 25.10.2021 after a delay of more than 25 days which creates serious doubt about the prosecution case. Injury report prepared on 31.10.2021 after filing of the present F.I.R. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got three criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposed the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case and the fact that there is delay in filing of the present F.I.R., let the above named appellant, in the event of his 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) with two sureties of



the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Bagaha SC & ST P.S. Case No. 28/2021, 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)**

ajay/-

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