

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1805 of 2022**

Arising Out of PS. Case No.-38 Year-2021 Thana- SC/ST District- Sitamarhi

BHOLU SAHNI @ DIPENDRA KUMAR Son of Late Jamun Sahni Resident
of Village - Parsauni, P.S.- Pupri, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Dahin Thakur Son of Late Bilash Thakur Resident of Village -
Parsauni, P.S.- Pupri, District - Sitamarhi.

... .. Respondent/s

Appearance :

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

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

2 04-08-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 10.01.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 38 of 2021 registered under Sections 341, 323 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) /3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is case and counter case between the parties. It is further submitted that as a matter of fact, informant belongs to 'Lohar' caste and according to verdict of Hon'ble Apex Court now 'Lohar' caste does not come under the SC/ST category, hence no case under the SC/ST Act can be lodged against the appellant. It is also submitted that there is delay of 9 days in lodging the F.I.R. without giving any plausible and cogent explanation for the said delay, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, 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 released 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 the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No.38 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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