

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3250 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- SC/ST District- Bhojpur

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DIGVIJAY NARAYAN SINGH @ MUNA SINGH Son of Late Ram
Awdhesh Singh @ Buttan Singh Resident of Village - Yoga Kharaicha, P.S.-
Chaori, District - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mira Devi wife of Ajay Baitha resident of vill- Kharaicha, P.S.- Chaori,
District- Bhojpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mrs. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Although learned counsel for the appellant has filed
limitation petition. It is ignored, in view of the Apex Court order
dated 10.01.2020, in *Re: Cognizance for Extension of*
Limitation, Suo Moto Writ (Civil) No.3 of 2022.

Notice was issued to the respondent no.2 and it has been
received by the brother-in-law of the informant. Learned
counsel for the appellant filed a jointness petition by way of
supplementary affidavit, and it is stated in para-2 of the said
affidavit that the informant along with her husband and brother-



in-law resides in the same house.

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 01.02.2021 passed by learned A.D.J. 1st Bhojpur, Ara in connection with SC/ST P.S. Case No.67 of 2020, registered under Sections 341, 323, 379, 354(B), 504/34 of the Indian Penal Code and Section 3(i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant alongwith all other accused persons abused the informant by taking caste name. It is further alleged that they caught her hair, and tossed her down and assaulted by means of fists and kicks.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. 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 appellants. He further submits that earlier co-accused Himanshu Kumar Singh lodged an FIR against the son of the informant and thereafter the informant has lodged the present case. There is an inordinate delay of five days in the lodging of FIR, and there is no explanation regarding the said delay which creates a serious doubt on the prosecution case. Similarly situated co-accused persons have been granted bail by a co-ordinate bench of this Court vide order dated 26.05.2021 passed in Cr.App (SJ) No.2045 of 2021. Appellant has one criminal antecedent as mentioned in para-3 of memo of appeal.

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

Considering the facts and circumstances of the case, since similarly situated co-accused persons have been granted bail, the above named appellant, in the event of his/her 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 the learned A.D.J. Ist Bhojpur, Ara, in connection with SC/ST P.S. Case No.67 of 2020, 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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